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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 7 December 1945, 1400-1700, Lord Justice Lawrence presiding.

MR. G. D. ROBERTS, K.C.: May it please the Tribunal, when the Court adjourned, I had just come to the point at four-thirty a.m. on the 10th of May, 1940, when the Germans invaded these three small countries without any warning - a violation which the Prosecution submits, it is clear from the Documents, had been planned and decided upon months before.

My Lord, before I close this part of the case, may I refer to three documents in conclusion. My Lord, the invasion having taken place at four-thirty in the morning, in each of the three countries, the German Ambassador called upon representatives of the three Governments some hours later and handed in a document which was similar in each case and which is described as a memorandum or an ultimatum, My Lord, an account of what happened in Belgium. It is set our in Document TC-58, which is about five documents from the end of the bundle. It is headed "EXTRACT FROM BELGIUM - THE OFFICIAL ACCOUNT OF WHAT HAPPENED 1939-1940", and I hand in an original copy, certified by the Belgium Government, which is GB-111.

My Lord, might I read short extracts. I read the third paragraph:

"From 4:30 information was received which left no shadow of doubt: the hour had struck. Aircraft were first reported in the east. At five o'clock came news of the bombing of two Netherlands aerodromes, the violation of the Belgian frontier, the landing of German soldiers at the Eben-Emael Fort, the bombing of the Jemelle station."

My Lord, then I think I can go to two paragraphs lower down:

"At 8:30 the German Ambassador came to the Ministry of Foreign Affairs. When he entered the Minister's room, he began to take a paper from his pocket. M. Spaak" - that is the Belgium Minister - "stopped

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him: 'I beg your pardon, Mr. Ambassador. I will speak first.' And in an indignant voice, he read the Belgian Government's protest: 'Mr. Ambassador, the German Army has just attacked our country. This is the second time in twenty-five years that Germany has committed a criminal aggression against a neutral and loyal Belgium. What has just happened is perhaps even more odious than the aggression of 1914. No ultimatum, no note, no protest of any kind has ever been placed before the Belgian Government. It is through the attack itself that Belgium has learned that Germany has violated the undertakings given by her on October 13th, 1937, and renewed spontaneously at the beginning of the war. The act of aggression committed by Germany, for which there is no justification whatever, will deeply shock the conscience of the world. The German Reich will be held responsible by history. Belgium is resolved to defend herself. Her cause, which is the cause of Right, cannot be vanquished'."

And in the last paragraph, "In the middle of this communication, Mr. Spaak, who had by his side the Secretary-General of the Department, interrupted the Ambassador: 'Hand me the document', he said. 'I should like to spare you so painful a task.' After studying the note, M. - Spaak confined himself to pointing out that he had already replied by the protest he had just made."

THE PRESIDENT: The Tribunal would like you to read what the Ambassador read.

MR. ROBERTS: I am sorry. I was thinking of the next document I was going to read. I read the last paragraph on the first page:

"The Ambassador was then able to read the note he had brought: 'I am instructed by the Government of the Reich, ' he said, 'to make the following declaration: In order to forestall the invasion of Belgium, Holland, and Luxemburg, for which Great Britain and France have been making preparations clearly aimed at Germany, the Government of the Reich is compelled to ensure the neutrality of the three countries mentioned by means of arms. For this purpose, the Government of the Reich will bring up an armed force of the greatest size, so that

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resistance of any kind will be useless. The Government of the Reich guarantees Belgium's European and colonial territory, as well as her dynasty, on condition that no resistance is offered. Should there be any resistance, Belgium will risk the destruction of her country and loss of her independence. It is therefore, in the interests of Belgium that the population be called upon to cease all resistance and that the authorities be given the necessary instructions to make contact with the German Military Command."

My Lord, the so-called ultimatum handed in some hours after the invasion had started, is Document TC-57, which is the last document of three in the bundle. It is the document I handed in and it becomes GB-112. My Lord, it is a long document and I will read to the Tribunal such parts at the Tribunal thinks advisable:

"The Reich Government" - it begins - "has for a long time had no doubts as to what was the chief aim of the British and French war policy. It consists of the spreading of the war to other countries, and of the misuse of their peoples as auxiliary and mercenary troops for England and France.

"The last attempt of this sort was the plan to occupy Scandinavia with the help of Norway, in order to set up a new front against Germany in this region. It was only Germany's last minute action which upset the project. Germany has furnished documentary evidence of this before the eyes of the world.

"Immediately after the British-French action in Scandinavia miscarried, England and France took up their policy of war expansion in another direction. In this respect, while the retreat in flight of the British troops from Norway was still going on, the English Prime Minister announced that, as a result of the altered situation in Scandinavia, England was once more in a position to go ahead with the transfer of the full weight of her navy to the Mediterranean, and that English and French units were already on the way to Alexandria. The Mediterranean now became the centre of English-French war propaganda. This was partly to gloss over the Scandinavian defeat and the big loss of prestige

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before their own people and before the world, and partly to make it appear that the Balkans had been chosen for the next theatre of war against Germany.

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"In reality, however, this apparent shifting to the Mediterranean of English-French war policy had quite another purpose. It was nothing but a diversion manoeuvre in grand style, to deceive Germany as to the direction of the next English-French attack. For, as the Reich Government has long been aware, the true aim of England and France is the carefully prepared and now immediately imminent attack on Germany in the West, so as to advance through Belgium and Holland to the region of the Ruhr.

"Germany has recognized and respected the inviolability of Belgium and Holland, it being of course understood that these two countries in the event of a war of Germany against England and France would maintain the strictest neutrality.

"Belgium and the Netherlands have not fulfilled this condition."

THE PRESIDENT: Mr. Roberts, do you think it is necessary to read this in full?

MR. ROBERTS: No, I don't. I was going to summarize these charges. If your Lordship would be good enough to look at the bottom of the first page, you will see the so-called ultimatum complaining of the hostile expressions in the Belgian and Netherlands Press; and then, My Lord, in the second paragraph, over the page, there is an allegation of the attempts of the British Intelligence to bring a revolution into Germany with the assistance of Belgium and the Netherlands.

Then, My Lord, in paragraph three, reference is made to military preparation of the two countries; and in paragraph four, it is pointed out that Belgium has fortified the Belgium Frontier.

A complaint is made in regard to Holland in paragraph five, that British aircraft have flown over the Netherlands country.

There are, My lord, other charges made against the neutrality of these two countries, although no instances are given. I don't think I need refer to anything on page three of the Document.

Page four, My Lord, I would like, if I might, to read the middle paragraph:

"In this struggle for existence forced upon the German people by England and France, the Reich Government is not disposed to await sub-

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missively the attack by England and France and to allow them to carry the war over Belgium and the Netherlands into German territory." And, My Lord, I just emphasize this sentence and then I read no further. "It has therefore now issued the command to German troops to ensure the neutrality of these countries by all the military means at the disposal of the Reich."

My Lord, it is unnecessary, in my submission, to emphasize the falsity of that statement. The world now knows that for months preparations had been made to violate the neutrality of these three countries. This Document is saying "The orders to do so have now been issued."

My Lord, a similar Document, similar in terms altogether, was handed to the representatives of the Netherlands Government; and, My Lord, TC 60, that will be GB 113, which is the last Document but one in the bundle. My Lord, that is a memorandum to the Luxemberg Government, which enclosed with it a copy of the Document handed to the Governments of Belgium and the Netherlands.

My Lord, I only desire to emphasize the second paragraph of TC 60: "In defence against the imminent attack, the German troops have now received the order to safeguard the neutrality of these two countries ***".

My Lord, the last Document TC 59, which I formerly put in, that is I am told, BG 111. It is in.

My Lord, that is the dignified protest of the Belgium Government against the crime which was committed against her. My Lord, those are the facts supporting the charges of the violation of treaties and assurances against these three countries and supporting the allegation of the making of an aggressive war against them. My Lord, in the respectful submission of the Prosecution here, the story is a very plain, a very simple one, a story of perfidy, dishonor, and shame.

COLONEL PHILLIMORE: May it please the Tribunal, it is my task to present the evidence on the wars of aggression and wars in breach of treaties against Greece and Yugoslavia. The evidence which I

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shall put in to the Tribunal has been prepared in collaboration with my American colleague, Lt. Colonel Krucker.

The invasion of Greece and Yugoslavia by the Germans, which took place in the early hours of the morning of the 6th of April, 1941, constituted direct breaches of The Hague Convention of 1899, on the pacific settlement of international disputes and of the Kellogg-Briand Pact of 1928. Those breaches are charged, respectively, at paragraphs one and thirteen of Appendage C of the Indictment. Both have already been put in by my learned friend, Sir David Maxwell-Fyfe, who also explained the obligation of the German Government to the Governments of Yugoslavia and Greece under those Pacts.

In the case of Yugoslavia, the invasion further constituted a breach of an expressed assurance by the Nazis, which is charged at Paragraph 26 of Appendage C. This assurance was originally given in a German Foreign Office release made in Berlin on the 28th of April, 1938, but was subsequently repeated by Hitler himself on the 6th of October 1939, in a speech he made in the Reichstag, and it is in respect of this last occasion that the assurance is specifically pleaded in the Indictment.

May I ask the Tribunal to turn now to the first document in the Document Book, which is Book No. 5. The first Document is PS-2719, which has already been put in as GB 58. This is the text of the German Foreign Office release on the 28th of April, 1938, and I would read the beginning and then the last paragraph but one on the page:

"Berlin, 28 April 1938. The State Secretary of the German Foreign Office to the German Diplomatic Representatives.

"As a consequence of the re-union of Austria with the Reich, we have now new frontiers with Italy, Yugoslavia, Switzerland, Liechtenstein, and Hungary. These frontiers are regarded by us as final and inviolable. On this point the following special declarations have been made: -

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And then to the last paragraph:

"3. Yugoslavia.

"The Yugoslav Government have been informed by authoritative German quarters that German policy has no aims beyond Austria, and that the Yugoslav frontier would in any case remain untouched. In his speech made at Graz on 3 April, the Fuehrer and Chancellor stated that, in regard to the re-union of Austria, Yugoslavia and Hungary had adopted the same attitude as Italy. We were happy to have frontiers there which relieved us of all anxiety about providing military protection for them.

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Then I may pass to the second document in the book, TC 92, and offer that as GB 114. This is an extract from a speech made by Hitler on the occasion of the dinner in honor of the Prince Regent of Yugoslavia on June 1, 1939. I may read the extract in full:

"The German friendship for the Yugoslav nation is not only a spontaneous one. It gained depth and durability in the midst of the tragic confusion of the world war. The German soldier then learned to appreciate and respect his extremely brave opponent. I believe that this feeling was reciprocated. This mutual respect finds confirmation in common political, cultural and economic interests. We therefore look upon your Royal Highness's present visit as a living proof of the accuracy of our view, and at the same time on that account we derive from it the hope that German-Yugoslav friendship may continue further to develop in the future and to grow ever closer.

"In the presence of your Royal Highness, however, we also perceive a happy opportunity for a frank and friendly exchange of views which, and of this I am convinced, in this sense can only be fruitful to our two peoples and States. I believe this all the more because a firmly established reliable relationship of Germany and Yugoslavia, now that, owing to historical events, we have become neighbors with common boundaries fixed for all time, will not only guarantee lasting peace between our two peoples and countries, but can also represent an element of calm to our nerve-wracked continent. This peace is the goal of all who are disposed to perform really constructive work."

Just to pause to comment, that as we now know this speech was made at the time when Hitler had already decided upon the European war. I think I am right in saying it was a week after the Reichschancellery conference known as the Schmundt note, to which the Tribunal was referred more than once. The reference to "nerve-wracking continent" might perhaps be contributed to the war of nerve which Hitler had himself been conducting for many months.

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Now I pass on to a document which is specifically applied at paragraph 26 as the Assurance Breach, the next document in the bundle, TC 43. German Assurance to Yugoslavia of the 6 October 1939, and hich has already been put in as GB 80. This is the extract from ..e document on "Dokumente der deutschen Politik:

"Immediately after the completion of the Anschluss I informed Yugoslavia that, from now on, the frontier with this country would also be an unalterable one, and that we only desire to live in peace and friendship with her."

That, despite the obligation of Germany under the Convention of 1899, and the Kellogg-Briand Pact, and under the Assurance which I have read, the fate of both Greece and Yugoslavia had, as we now know, been sealed ever since the meeting between Hitler and the defendant Ribbentrop and Ciano at Obersalzburg, the 12th and 13th of August, 1939.

We will pass to the next bundle--the next document in the bundle which is TC 77. That document has already been put in as GB 48, and the passages to which I would draw Your Honor's attention are and have been already quoted, I think, by my learned friend, the Attorney General; those passages are on page 2 in the last paragraph: "Very generally speaking until neutral discordant," and then again on pages 7 and 8, which is a part quoted by the Attorney General, and particularly by Colonel Jones, at the foot of page 7, on the second day of the meeting, the words beginning, "In general, however, success by one of the Axis partners--" to Italy to - "their backs free for a work against the west."

THE PRESIDENT: Is that not quoted?

COLONEL PHILLIMORE: Yes, sir

THE PRESIDENT: Was not page 7 quoted before?

COLONEL PHILLIMORE: Both of those passages have been quoted before, and if I might sum up the effect of the meeting as revealed by the document as a whole, it shows Hitler and the defendant Ribbentrop only two months after/the dinner to the Prince Regent seeking to persuade Italy to

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make war on Yugoslavia at the same time that Germany commences hostilities against Poland, as Hitler had decided to do in the near future. Ciano was evidently in an entire agreement with Hitler and Ribbentrop as to the desirability to liquidating Yugoslavia, and himself anxious to take the Silician State, but that Italy was not yet ready for a general European war. This despite all these persuasions which Hitler and the defendant Ribbentrop exerted at the meeting, it became necessary for the Nazi conspirators to reassure their intended victim, Yugoslavia, and since that time for Italy to maintain its position, and don't enter a war when German invaded Poland, because the Germans were not ready themselves to strike on the Balkans. I state for this reason that on the 6th October through Hitler's speech, they repeated the assurance they had made in April 1938. This matter is shortened up after the defeat of the Allied Army in May and June 1940, the Italian Government declared war on France, and that subsequently at three o'clock in the morning on the 28th October 1940 the Italian Minister presented to the Greek Government with a 3-R ultimatum, upon the expiring of which the Italian troops were all invading the soil of Greece.

If I may quote to the Tribunal the words in which the Italian Minister reported that event. "The president of council has assured himself an outstanding--"

THE PRESIDENT: You have referred to a document?

COLONEL PHILLIMORE: It is not in any one document. It is merely carrying the story to the next document. "The president of council has assured himself an outstanding place in Greek history, and then the future may bring this foresight and quality in preparing his country for war, and his courage in rejecting without demur the Italian ultimatum when delivered in the small hours of that October morning, will surely obtain an honorable mentioning in the story of European statescraft. That means to fight until Italy is completely defeated, and thus declare the purpose of the whole Greek nation."

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I turn now to the next document in that bundle, that is, PS 2762, a letter from Hitler to Mussolini, which I put in as GB 115. They are not related. I think this is clear from the contents, that it was written shortly after the Italian invasion of Greece. It has been quoted in full by the Attorney General, but I think it would assist the Tribunal if I read just the last two paragraphs of the extract:

> "Jugoslavia must become disinterested, but if possible by even being positively interested in our point of view, cooperate in cleaning up the Greek question. Without security on the part of Jugoslavia, no successful operation in the Balkans is to be risked.
>
> * - - - - - - - - - - *
>
> "I must, however, unfortunately, observe that conducting a war in the Balkans is not possible before March. Therefore, any threatening move towards Jugoslavia would be useless, since the impossibility of a materialization of such threats before March is well known to the Serbian general staff. Therefore, Jugoslavia

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must be won, if at all possible, by other ways and means."

I think the reference in the first two lines of his having been with Mussolini for the last fourteen days indicates probably that was about the middle of November, about that, of the Italian attack.

THE PRESIDENT: Could you give us the date of the Italian attack?

COLONEL PHILLIMORE: 28 November 1940.

THE PRESIDENT: Thank You.

COLONEL PHILLIMORE: You are welcome. As the Tribunal will see from the succeeding document, it was at this time that Hitler was making plans for the offensive in the Spring of 1941, which included the invasion of Greece from the north. Only from this letter is to compare how it was an interral part of those pacts that Jugoslavia should be introduced to cooperate, and how useless to maintain an disinterested attitude towards the liquidation of the other Balkan States.

I pass now to the next document in the bundle PS-44, which becomes GB-116. It is a "Top Secret Directive." It is from an issue from Fuehrer's Headquarters, signed by Hitler, and initialed by the defendant, Jodl, dated 12 November 1940. I may read the first two lines, and then pass to paragraph 4 on the third page:

"Directive No. 18.

The preparatory measures of Supreme HQ for the prosecution of the war in the near future are to be made along the following lines:"

Then after reading the operations as bearing against Gibralter, and its offensive against Egypt, we will read paragraph four on the third page:-

"Balkans

The commander-i n-chief of the Army will make preparations for occupying the Greek mainland north of the Aegean Sea in case of need, entering through Bulgaria, and thus make possible the use of German air force units against targets in the Eastern Mediterranean, in particular against those English air bases which are threatening the Rumanian oil area.

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"In order to be able to face all eventualities and keep Turkey in check, the use of an army group of an approximate strength of ten divisions is to be the basis for the planning and the calculations of deployment. It will not be possible to count on the railway, leading through Yugoslavia, for moving these forces into position.

"So as to shorten the time needed for the deployment, preparations will be made for an early increase in the German Army mission in Roumania, the extent of which must be submitted to me.

The commander-in-chief of the Air Force will make preparations for the use of German Air Force units in the South East Balkans and for aerial reconnaissance on the southern border of Bulgaria, in accordance with the intended ground operations."

I don't think I need trouble the Tribunal with the rest. The next document in the bundle is PS-1541, which I offer in evidence as GB-117. That is a Directive issued for an actual attack on Greece. Before reading it might be convenient if I summarized the position of the Italian invading forces at that time, as this is one of the factors mentioned by Hitler in the Directive. I will make it very short. I can use the words of the Reichsminister as reported: "Morale of the Greek Army throughout has been at the highest and our own naval and land forces at the front has done much to maintain it. The relative power of modern facilities has driven back the captured superior Italian forces more frequently than now at the point of abandonment. The modern Greeks have thus shown that they are not unworthy of the ancient tradition of that country, and that they like their distant forebearers are prepared to fight against us in maintaining their freedom." In fact, the Italians were getting the worse of it, and it was time that Hitler came to the rescue. On quoting this Directive of 17 September 1940 which the Top Military Secret, Direction number 20: Operation Marita, and it shows the distribution of it, of course, to the Commander of the Navy, that would, of course include the defendant Raeder; one to the Commander of the Air Force, which would be the defendant Goering.

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The Supreme Command of the Armed Forces, Keitel, and the Command Staff, I take it, would rightly be the defendant Jodl. I shall read first the two paragraphs, and then summarize the next two, if I may:

"The result of the battles in Albania is not yet decisive. Because of a dangerous situation in Albania it is double necessary that the British endeavour be foiled to create a basis under the protection of a Balkan front, which would be dangerous above all to Italy as well as to the Rumanian oil fields.

My plan, therefore, is (a) to form a slowly increasing task force in Southern Rumania within the next months.

(b) After the setting in of favorable weather, probably in March, to send the task force for the occupation of the Aegean North coast by way of Bulgaria, and if necessary to occupy the entire Greek mainland (Operation Marita) The support of Bulgaria is to be expected."

The next paragraphs give the forces, and then the operation, and paragraph 4 is the operation Marita itself. You will perhaps read back:

"The Military preparations which will produce exceptional political results in the Balkans demands the exact control of all the necessary measures by the General Staff. The transport through Hungary, and the arrival in Rumania will be reported step by step by the General Staff of the Armed forces, and are to be explained at first as a strengthening of the German Army mission in Rumania.

"Consultations with the Rumanians, or the Bulgarians which may point intentions as well as notification of the Italians are each subject to my consent, also the sending of scouting missions and advanced parties."

I don't think I'll trouble you going over the rest. Referring to the next document, PS-448, which I put in as GB-118, is again a "Top Secret Directive" carrying the plan a little farther, but which deals with decisiv action of the Turkey forces, and of the Italians in Albania. I read, if I

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may, the first short paragraph, and then the paragraph at the foot of the page.

"The situation in the Mediterranean Theater of Operations demands for strategical political and psychological reasons German assistance, due to employment of superior forces by England against our allies."

And the paragraph three, after dealing with the forces to be transferred to Albania, the Directive sets out the duty of the German forces, what the duties of the German forces will be:

"a) To serve in Albania for the time being as a reserve for an emergency case, should new crisis arise there.

b) To ease the burden of the Italian Army group when later attacking with the aim:

To tear open the Greek defense front on a decisive point for a far-reaching operation.

To open up the straits west of Salonika from the back in order to support thereby the frontal attack of List's Army."

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That directive was signed by Hitler, and, as can be seen on the original which I have put in, it was initialed by both the Defendant Keitel and the Defendant Jodl. Here again, of course a copy went to the Defendant Raeder, and I take it that for Intelligence it would probably reach the Defendant Ribbentrop.

I pass to C-134, the next document in the bundle, which becomes GB-119. This records a conference which took place on the 19th and 20th of January between the Defendant Keitel and the Italian General, Guzzoni, and which was followed by a meeting between Hitler and Mussolini, at which the Defendants Ribbentrop, Keitel, and Jodl were present.

I need not trouble the Tribunal with the meeting with the Italians, but if you would pass to Page 3 of the document there is a paragraph there in the speech which the Fuehrer made which is perhaps just worth reading, the speech by the Fuehrer on the 20th of January 1941, in the middle of Page 3. It sets out that the speech was made after the conference with the Italians and then shows who was present.

On the German side I would call your attention to the Minister of Foreign Affairs, Chief of the Supreme Command of the Armed Forces, and the Chief of the Armed Forces Operational Staff. That is, of course, the Defendants Ribbentrop, Keitel, and Jodl; and on the Italian side, the Duce, Ciano, and then the General.

It is the last paragraph that I would wish to read:

"The massing of troops in Roumania serves a threefold purpose:

"a. An operation against Greece.

"b. Protection of Bulgaria against Russia and Turkey.

"c. Safeguarding the guarantee to Roumania.

"Each of these tasks requires its own group of forces, altogether therefore very strong forces whose deployment far from our base requires a long time.

"Desirable that this deployment is completed without interference from the enemy. Therefore disclose the game as late as possible. The tendency will be to cross the Danube at the last possible moment and to line up for attack at the earliest possible moment."

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I pass to the next document, PS-1746, which I offer as GB-120. That document is in three parts. It consists, in the first place, of a conference between Field Marshal List and the Bulgarians, on the 8th of February.

The second part and the fifth part deal with later events, and I will, if I may, come back to them at an appropriate time.

I would read the first and the last paragraphs on the first page of this document.

"Minutes of questions discussed between the representatives of the Royal Bulgarian General Staff and the German Supreme Command - General Field Marshal List - in connection with the possible movement of German troops through Bulgaria and their commitment against Greece and possibly against Turkey, if she should involve herself in the war."

And then the last paragraph on the page shows the plan being concerted with the Bulgarians:

Paragraph 3: "The Bulgarian and the German general staff will take all measures in order to camouflage the preparation of the operations and to assure in this way the most favorable conditions for the execution of the German operations as planned.

"The representatives of the two general staffs consider it to be suitable to inform their governments that it will be good to take the necessity of secrecy and surprise into consideration when the three-power treaty is signed by Bulgaria in order to assure the success of the military operations."

I pass then to the next document, C-59. I offer that as GB-121. It is a further top secret directive of the 19th of February. I need not, I think, read it. All that is set out of importance is the date for the Operation Marita. It sets out that the bridge across the Danube is to be begun on the 28th of February, the river crossed on the 2nd of March, and the final orders to be issued on the 26th of February at the latest.

It is perhaps worth noting that on the original which I have put in the actual dates are filled in in the handwriting of the Defendant Keitel.

It is perhaps just worth setting out the position of Bulgaria at this moment. Bulgaria adhered to the three-power pact on the 1st of March--

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THE PRESIDENT: What year?

COL. H. PHILLIMORE: Of 1941. And on the same day the entry of German troops into Bulgaria began in accordance with the Plan Marita and the directives to which I have referred the Tribunal.

The landing of British troops in Greece on the 3d of March, in accordance with the guarantee given in the spring of 1939 by His Majesty's Government, may have accelerated the movement of the German forces; but, as the Tribunal will have seen, the invasion of Greece had been planned long beforehand and was already in progress at this time.

I pass now to the next document in the bundle, C-167, which I would put in as GB-122. I am afraid

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it is not a very satisfactory copy, but the original which I have put in shows that both the Defendants Keitel and Jodl were present at the interview with Hitler which this extract records. It is a short extract from a report by the Defendant Raeder on an interview with Hitler, in the presence of the Defendants Keitel and Jodl. It is perhaps interesting as showing the ruthless nature of the German intention.

"The C in C of the Navy asks for confirmation that the whole of Greece will have to be occupied even in the event of a peaceful settlement. Fuehrer: The complete occupation is a prerequisite of any settlement."

The above document--

THE PRESIDENT: Is it dated?

COL. H. PHILLIMORE: It took place on the 18th of March at 1600 hours.

THE PRESIDENT: Is that on the original document?

COL. H. PHILLIMORE: Yes, on the original document.

THE PRESIDENT: Yes.

COL. H. PHILLIMORE: The document I have referred to shows, it is submitted, that the Nazi conspirators, in accordance with their principle of liquidating any neutral who did not remain disinterested, had made every preparation by the end of January and were at this date in the process of moving the necessary troops to insure the final liquidation of Greece, which was already at war with and getting the better of their Italian allies.

They were not, however, yet ready to deal with Yugoslavia, towards which their policy accordingly remained one of lulling the unsuspecting victim. In accordance with this policy, the adherence of Yugoslavia to the three-power pact was secured. This adherence followed a visit on the 15th of February, 1941 by the Yugoslav Premier Cvetkovic and the Foreign Minister Cinkar-Markovic to the Defendant Ribbentrop at Salzburg and subsequently to Hitler at Berchtesgaden, after which these ministers were induced to sign the Pact at Vienna on the 25th of March. On this occasion the Defendant Ribbentrop wrote the two letters of assurance, which are set out in the next document in the bundle, PS-2450, which I put in as GB-123. If I might read from half-way down the page:

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"Notes of the Axis Governments to Belgrade.

"At the same time, when the protocol on the entry of Yugoslavia to the Tri-Partite Pact was signed, the governments of the Axis Powers sent to the Yugoslavian Government the following identical notes:

"'Mr. Prime Minister:

"'In the name of the German Government and at its behest, I have the honor to inform Your Excellency of the following:

"'On the occasion of the Yugoslavian entry today into the Tri-Partite Pact, the German Government confirms its determination to respect the sovereignty and territorial integrity of Yugoslavia at all times.'"

That letter was signed by the Defendant Ribbentrop, who you will remember was present at the meeting in August of 1939 when he and Hitler tried to persuade the Italians to invade Yugoslavia, and in fact it was 11 days after this letter was written that the Germans did invade Yugoslavia, and two days after the letter was written that they issued the necessary order.

If I might read the second letter:

"Mr. Prime Minister:

"With reference to the conversations that occurred in connection with the Yugoslavian entry into the Tri-Partite Pact, I have the honor to confirm to Your Excellency herewith in the name of the Reich Cabinet (Reichsregierung), that in the agreement between the Axis powers and the Royal Yugoslavian Government, the governments of the Axis powers during this war will not direct a demand to Yugoslavia to permit the march or transportation of troops through Yugoslavian national territory."

The position at this stage, the 25th of March, 1941, was, therefore, that German troops were already in Bulgaria moving towards the Greek frontier, whilst Yugoslavia had, to use Hitler's own term in his letter to Mussolini, "Become disinterested" in the cleaning up of the Greek question.

The importance of the adherence of Yugoslavia to the Three-Power Pact appears very clearly from the next document in the bundle, PS-2765, which I put in as GB-124. That is an extract from the minutes of a meeting between Hitler and Ciano, and if I might just read the first paragraph:

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"The Fuehrer first expressed his satisfaction with Yugoslavia's joining the Tripartite Pact and the resulting definition of her position. This is of special importance in view of the proposed military action against Greece, for, if one considers that for 350 to 400 kilometers the important line of communication through Bulgaria runs within 20 kilometers of the Yugoslav border, one can judge that with a dubious attitude of Yugoslavia an undertaking against Greece would have been militarily an extremely foolhardy venture."

Again it is a matter of history that on the night of the 26th of March, when the two Yugoslav ministers returned to Belgrade, General Simowitsch and his colleagues effected their removal by a coup d'etat, and Yugoslavia emerged on the morning of the 27th of March ready to defend, if need be, its independence. The Yugoslav people found it so.

H0017-0024

The Nazis reacted to this altered situation with lightning rapidity, and the immediate liquidation of Yugoslavia was decided on.

I ask the Tribunal to turn back to PS 1746, which I put in as GB 120, to the second part on page 3 of the document, consisting of a record of a conference of Hitler and the German High Command on the situation in Yugoslavia, dated March 27, 1941.

It shows that those present included the Fuehrer; Reich Marshall, of course the Defendant Goering; Chief, OKW, that is the Defendant Keitel; Chief of the Wehrmacht, Fuehrung Stab, that is the Defendant Jodl. Then over the page later on the following persons were added. I call the Tribunal's attention to the fact that those who came in later included the Defendant Ribbentrop.

If I might read the part of Hitler's statement set out on page 4:

"The Fuehrer describes Yugoslavia's situation after the coup d'etat. Statement that Yugoslavia was an uncertain factor in regard to the coming Marita action and even more in regard to the Barbarossa undertaking later on. Serbs and Slovenes were never pro-German."

I think I can pass on to the second paragraph:

"The present moment is for political and military reasons favorable for us to ascertain the actual situation in the country and the country's attitude toward us, for if the overthrow of the Government would have happened during the Barbarossa action, the consequences for us probably would have been considerably more serious."

And then the next paragraph to which I would particularly draw the Tribunal's attention:

"The Fuehrer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations in order to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav government, which cannot be trusted anyhow in the future will be taken note of. The attack will start as soon as the means and troops suitable for it are ready.

H0017-0025

"It is important that actions will be taken as fast as possible. An attempt will be made to let the bordering states participate in a suitable way. An actual military support against Yugoslavia is to be requested of Italy, Hungary, and in certain respects of Bulgaria too. Roumania's main task is the protection against Russia. The Hungarian and the Bulgarian ambassador have already been notified. During the day a message will still be addressed to the Duce.

"Politically, it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and that the military destruction is done in a lightning-like undertaking. In this way, Turkey would become sufficiently frightened and the campaign against Greece later on would be influenced in a favorable way. It can be assumed that the Croats will come to our side when we attack. A corresponding political treatment (autonomy later on) will be assured to them. The war against Yugoslavia should be very popular in Italy, Hungary and Bulgaria, as territorial acquisitions are to be promised in these states; the Adria coast for Italy, the Banat for Hungary, and Macedonia for Bulgaria.

"This plan assumes that we speed up the schedule of all preparations and use such strong forces that the Yugoslav collapse will take place within the shortest time."

Well, of course, the Tribunal will have noted that in that third paragraph, two days after the pact had been signed and the assurances given because there had been a coup d'etat, and it is just possible that the operations against Greece may be affected, the destruction of Yugoslavia is decided on without any question of taking the trouble to assert the views of the new Government.

Then there is one short passage on page 5, the next page of the document, which I would like to read.

"5) The main task of the Air Force is to start as early as possible with the destruction of the Yugoslavian Air Force ground installations and to destroy the capital of Belgrade in attacks by

H0017-0026

waves."

I pause there to comment; we now know, of course, how ruthlessly this bombing was done, when the residential areas of Belgrade were bombed at 7 o'clock on the following Sunday morning, the morning of the 6th.

THE PRESIDENT: The 6th of April?

COLONEL H. PHILLIMORE: The 6th of April.

Then again, still in that document, the last part of it, Part V, at page 5; a tentative plan is set out, drawn up by Defendant Jodl and I would read one small paragraph at the top of the following page, page 6:

"In the event that the political development requires an armed intervention against Yugoslavia, it is the German intention to attack Yugoslavia in a concentric way as soon as possible, to destroy her armed forces, and to dissolve her national territory."

I read that because the plan is issued from the office of the Defendant Jodl.

Now, passing to the next document in the bundle, C-127, I put that in as GB.125. It is an extract from the order issued after the meeting, from the minutes of which I have just read, that is the meeting of the 27 of March, recorded in PS.1746, Part II. It is worth reading the first paragraph.

"The military putsch in Yugoslavia has altered the political situation in the Balkans. Yugoslavia must, in spite of her protestations of loyalty,

H0017-0027

for the time being be considered as an enemy and therefore be crushed as speedily as possible."

I pass to the next document, PS-1835, which I put in evidence as GB-126. It is an original telegram, containing a letter from Hitler to Mussolini, forwarded to the German Ambassador in Rome by Hitler and the Defendant Ribbentrop. It is written to advise Mussolini of the course decided on and under the guise of somewhat fulsome language the Duce is given his orders. If I might read the first five paragraphs.

"Duce, Events force me to give you, Duce, by this the quickest means, my estimation of the situation and the consequences which may result from it.

"(1) From the beginning I have regarded Yugoslavia as a dangerous factor in the controversy with Greece. Considered from the purely military point of view, German intervention in the war in Thrace would not be at all justified, as long as the attitude of Yugoslavia remains ambiguous and she could threaten the left flank of the advancing columns, on our enormous front.

"(2) For this reason I have done everything and honestly have endeavoured to bring Yugoslavia into our community bound together by mutual interests. Unfortunately these endeavours did not meet with success, or they were begun too late to produce any definite result. Today's reports leave no doubt as to the imminent turn in the foreign policy of Yugoslavia.

"(3) I don't consider this situation as being catastrophic, but nevertheless a difficult one, and we on our part must avoid any mistake if we do not want in the end to endanger our whole position.

"(4) Therefore I have already arranged for all necessary measures in order to meet a critical development with necessary military means. The change in the deployment of our troops has been ordered also in Bulgaria. Now I would cordially request you, Duce, not to undertake any further

H0017-0028

operations in Albania in the course of the next few days. I consider it necessary that you should cover and screen the most important passes from Yugoslavia into Albania with all available forces.

"These measures should not be considered as designed for a long period of time, but as auxiliary measures designed to prevent for at least fourteen days to three weeks a crisis arising.

"I also consider it necessary, Duce, that you should reinforce your forces on the Italian-Yugoslav front with all available means and with utmost speed.

"(5) I also consider it necessary, Duce, that everything which we do and order be shrouded in absolute secrecy and that only personalities who necessarily must be notified know anything about them. These measures will completely lose their value should they become known."

Then he goes on to further emphasize the importance of secrecy.

I pass to R.95, the next document in the bundle, which I put in as GB-127. It was referred to by my learned friend, the Attorney General. It is merely an operational order, signed by General von Brauchitsch, which is merely passing to the Armies the orders contained in Directive No. 25, which was the document C-127, an extract from which I put in as GB-125. I won't trouble the Tribunal with reading it.

I pass to C-93, which has already been put in with TC 92 as GB-114. The invasion of Greece and Yugoslavia took place on this morning, 6th April, on which Hitler issued the proclamation from which this passage is an extract.

"From the beginning of the struggle it has been England's steadfast endeavour to make the Balkans a theatre of war. British diplomacy did, in fact, using the model of the World War, succeed in first ensnaring Greece by a guarantee offered to her, and then finally in misusing her for Britain's purposes.

H0017-0029

"The documents published today afford"--that refers to the German 'White Book' which they published of all the documents leading up to the invasion--"The documents published today afford a glimpse of a practice which, in accordance with very old British recipes, is a constant attempt to induce others to fight and bleed for British interests.

"In the face of this I have always emphasized that:

"(1) The German people have no antagonism to the Greek people but that

"(2) We shall never, as in the World War, tolerate a power establishing itself on Greek territory with the object at a given time of being able to advance thence from the south-east into German living space. We have swept the northern flank free of the English; we are resolved not to tolerate such a threat in the south."

Then the paragraph to which I would draw the Tribunal's particular attention.

"In the interests of a genuine consolidation of Europe it has been my endeavour since the day of my assumption of power above all to establish a friendly relationship with Yugoslavia. I have consciously put out of mind everything that once took place between Germany and Serbia. I have not only offered the Serbian people the hand of the German people, but in addition have made efforts as an honest broker to assist in bridging all difficulties which existed between the Yugoslav State and various Nations allied to Germany."

One can only think that when he issued that proclamation Hitler must momentarily have forgotten the meeting with Ciano in August of 1939 and the meeting with the Defendant Ribbentrop and the others on 27th March a few days earlier.

I pass to the last document in the bundle. It is a document which has already been put in, L-172, and it was put in as U.S.

H0017-0030

Exhibit No. 34. It is a record of a lecture delivered by the Defendant Jodl on 7th November, 1943. At page 4 there is a short passage which sets out his views two years later

H0017-0031

on the action taken in April, 1941. I refer to Paragraph 11 on page 4:

"What was, however, less acceptable was the necessity of affording our assistance as an Ally in the Balkans in consequence of the 'extra-turn' of the Italians against Greece. The attack, which they launched in the autumn of 1940 from Albania with totally inadequate means was contrary to all agreement but in the end led to a decision on our part which -- taking a long view of the matter -- would have become necessary in any case sooner or later. The planned attack on Greece from the North was not executed merely as an operation in aid of an ally. Its real purpose was to prevent the British from gaining a foothold in Greece and from menacing our Roumanian oil area from that country."

If I might summarize the story; the invasion of Greece was decided on at least as early as December or November 1940 and planned for the end of March or the beginning of April, 1941. No consideration was at any time given to any obligations under treaties or conventions which might make such invasion a breach of international law. Care was taken to conceal the preparations so that the German Forces might have an unsuspecting victim.

In the meanwhile, Yugoslavia, although to be liquidated in due course, was clearly better left for a later stage. Every effort was made to secure her cooperation for the offensive against Greece or at least, to ensure that she would abstain from any interference.

The coup d'etat of General Simovic upset this plan and it was then decided, that irrespective of whether or not his Government had any hostile intentions towards Germany, or even of supporting the Greeks, Yugoslavia must be liquidated.

It was not worth while to take any steps to ascertain Yugoslavia's intentions when it would be so little trouble, now that the German troops were deployed, to destroy her militarily and as a national unit. Accordingly, in the early hours of Sunday morning, the 6th of April,

H0017-0032

German troops marched into Yugoslavia without warning and into Greece simultaneously, with the formality of handing a note to the Greek Minister in Berlin, informing him that the German forces were entering Greece to drive out the British. M. Koryzis, the Greek Minister, in replying to information of the invasion from the German Embassy, replied that history was repeating itself and that Greece was being attacked by Germany in the same way as by Italy. Greece returned, he said,the same reply as in the preceding October.

That concludes the evidence in respect of Greece and Yugoslavia. But, as I have the honor to conclude the British case, I would like, if the Tribunal would allow me, to draw their attention, very shortly indeed, to one common factor which runs through the whole of this aggression. I can do it, I think, in five minutes.

It is an element in the diplomatic technique of aggression, which was used with singular consistency, not only by the Nazis themselves, but also by their Italian friends. Their technique was essentially based upon securing the maximum advantage from surprise, even though only a few hours of unopposed military advance into the country of the unsuspecting victim could thus be secured. Thus, there was, of course, no declaration of war in the case of Poland.

The invasion of Norway and of Denmark began in the small hours of the night of April 8 - 9 and was well under way, as a military operation, before the diplomatic explanations and excuses were presented to the Danish Foreign Minister, at 4:20 a.m. on the morning of the 9th, and to the Norwegian Minister, between half past four and five on that morning.

The invasion of Belgium, Luxembourg and Holland began not later than five o'clock, in most cases earlier, in the small hours of the 10th of May, whilst the formal ultimatum, delivered in each case with the diplomatic excuses and explanations, was not presented until afterwards. In the case of Holland, the invasion began between three and four in the morning. It was not until about six, when The Hague had already

H0017-0033

been bombed, that the German Minister asked to see M. van Kleffens. In the case of Belgium, where the bombing began at five, the German Minister did not see M. Spaak until eight. The invasion of Luxembourg began at four and it was at seven when the German Minister asked to see M. Beck.

Mussolini copied this technique. It was 3 o'clock on the morning of the 28th of October, in 1940, when his Minister in Athens presented a three hours ultimatum to General Metaxas.

The invasion of Greece and Yugoslavia, as I have said, both began in the small hours of April 6, 1941. In the case of Yugoslavia, no diplomatic exchange took place even after the event but a proclamation was issued by Hitler, a proclamation from which I read an extract, on five o'clock that Sunday morning, some two hours before Belgrade was bombed.

In the case of Greece, once again, it was at twenty minutes past five that M. Koryzis was informed that German troops were entering Greek territory.

The manner in which this long series of aggressions was carried out is, in itself, further evidence of the essentially aggressive and treacherous character of the Nazi regime. Attack without warning at night to secure an initial advantage and proffer excuses or reasons afterwards. Their method of procedure is clearly the method of the barbarian, of the State which has no respect for its own pledged word, nor for the rights of any people but its own.

One is tempted to speculate whether this technique was evolved by the honest broker himself or by his honest clerk, the Defendant Ribbentrop.

THE PRESIDENT: Mr. Alderman, will you be ready to go on after a short adjournment? That's what you were intending to do?

MR. ALDERMAN: Yes, we'll adjourn for ten minutes.

(A recess was taken from 1600 to 1610 hours.)

MR. ALDERMAN: May it please the Tribunal, before proceeding

H0017-0034

with the presentation of the evidence relating to the aggression against the Soviet Union, I should like to take about fifteen minutes to offer two further documents relating to the aggression against Austria.

These two documents are stapled in a supplementary book, supplement to Document Book N.

Both documents are correspondence of the British Foreign Office. They have been made available to us through the courtesy of our British colleagues.

First, I offer in evidence Document 3045-PS as Exhibit USA 127. This is in two parts. The first is a letter dated 12 March 1938, from Ambassador Neville Henderson, at the British Embassy, Berlin, to Lord Halifax. It reads:

"My Lord,

"With reference to your telegram No. 79 of March 11th, I have the honor to transmit to Your Lordship herewith a copy of a letter which I addressed to Baron von Neurath in accordance with the instructions contained therein and which was delivered on the same evening.

"The French Ambassador addressed a similar letter to Baron von Neurath at the same time."

H0017-0035

The enclosure is the note of March 11th from the British Embassy to Defendant Von Neurath and it reads as follows:

"Dear Reich Minister,

"My Government are informed that a German ultimatum was delivered this afternoon at Vienna demanding, inter alia, the resignation of the Chancellor and his replacement by the Minister of the Interior, a new Cabinet of which two-thirds of the members were to be National Socialists, and the readmission of the Austrian Legion to the country with the duty of keeping order in Vienna.

"I am instructed by my Government to represent immediately to the German Government that if this report is correct H.M.G. - meaning the Majesty's Government - "in the U.K. feel bound to register a protest in the strongest terms against such use of coercion backed by force against an independent State in order to create a situation incompatible with its national independence.

"As the German Minister for Foreign Affairs has already been informed in London, such action is found to produce the greatest reactions of which it is impossible to foretell the issues."

I now offer Document 3287-PS, as U.S.A. Exhibit No. 128.

This consists of a transmittal from the British Embassy, Berlin, to the British Foreign Office of Defendant Von Neurath's letter of response dated 12 March 1938. The letter is identified in the document with the letter "L".

First the defendant Von Neurath objected to the fact that the British Government was undertaking the role of protector of Austria's independence. I quote from the second paragraph of his letter:

"In the name of the German Government I must point out here that the Royal British Government has no right to assume the role of a protector of Austria's independence. In the course of diplomatic consultations on the Austrian question, the German Government never left any doubt with the Royal British Government that the formation of relations between Germany and Austria could not be considered anything but the inner concern of the German people and that it did not affect

H0017-0036

third Powers".

Then, in response to the assertions regarding Germany's ultimatum, Von Neurath set out what he stated to be the true version of events.

I quote the last two long paragraphs of the letter; in the English translation I start at the bottom of page 1 of the letter:

"Instead, the former Austrian Chancellor announced, on the evening of the 9th of March, the surprising and arbitrary resolution, decided on by himself, to hold an election within a few days which, under the prevailing circumstances, and especially according to the details provided for the execution of the election, could and was to have the sole purpose of oppressing politically the predominant majority of the population of Austria. As could have been foreseen, this procedure, being a flagrant violation of the agreement of Berchtesgaden, led to a very critical point in Austria's internal situation. It was only natural that the members of the then Austrian Cabinet who had not taken part in the decision for an election protested very strongly against it. Therefore, a crisis of the Cabinet occurred in Vienna which, on the 11th of March, resulted in the resignation of the former Chancellor and in the formation of a new Cabinet. It is untrue that the Reich used forceful pressure to bring about this development. Especially the assertion which was spread later by the former Chancellor, that the German Government had presented the Federal President with a conditional ultimatum, is a pure invention; according to the ultimatum he had to appoint a proposed candidate as Chancellor and to form a Cabinet conforming to the proposals of the German Government, otherwise the invasion of Austria by German troops was held in prospect. The truth of the matter is that the question of sending military or police forces from the Reich was only brought up when the newly formed Austrian Cabinet addressed a telegram, already published by the press, to the German Government, urgently asked for the dispatch of German troops as soon as possible in order to restore peace and in order to avoid bloodshed. Faced with the immediately threatening danger of a bloody civil war in Austria, the German Government then decided to comply with the appeal addressed to it.

H0017-0037

"This being the state of affairs, it is impossible that the attitude of the German Government, as asserted in your letter, could lead to some unforeseeable reactions. A complete picture of the political situation is given in the proclamation which, at noon today, the German Reich Chancellor has addressed to the German people. Dangerous reactions to this situation can take place only if eventually a third party should try to exercise its influence, contrary to the peaceful intentions and legitimate aims of the German Government on the shaping of events in Austria, which would be incompatible with the right of

H0017-0038

self-government of the German people."

That ends the quotation.

Now, in the light of the evidence which has already been presented to the Tribunal, this version of the events given by the Defendant von Neurath is a hollow mockery of the truth.

We have learned, from the portions quoted from document 1780-PS, USA Exhibit No.72, Jodl's diary, the entry for March 10, 1938, the fact that von Neurath was taking over the duties of the Foreign Office while Ribbentrop was detained in London, that the Fuehrer wished to send an ultimatum to the Austrian Cabinet, that he had dispatched a letter to Mussolini of his reasons for taking action, and that army mobilization orders were given.

We have seen the true facts about the ultimatum from two different documents. I refer to 812-PS, USA Exhibit No.61, Report of Gauleiter Rainer to Reichskommissar Buerckel, dated 6 July 1939, which was transmitted to the Defendant Seyss-Inquart on 22 August 1939. The portion reporting on the events of March 11 have already been read to the Tribunal.

I also refer to document 2949-PS, USA Exhibit 76, the transcripts of Goering's telephone conversations, relevant portions of which I have already read to the Tribunal.

These documents emphatically show, and with unmistakable clarity, that the German Nazis did present an ultimatum to the Austrian Government, that it would send troops across the border if Schuschnigg did not resign, and if Defendant Seyss-Inquart were not appointed Chancellor.

These documents also show that the impetus of the famous telegram came from Berlin and not from Vienna, that Goering composed the telegram and Seyss-Inquart did not even have to send it, but merely said "agreed."

The transcripts of Goering's telephone calls also included the telephone call between Goering and Ribbentrop, indicated as Part W of that document, in which the formula was developed and recited for English

H0017-0039

consumption that there had been no ultimatum and that the German troops crossed the border in response only to the telegram.

And now, in this document from which I have just read, we find the same bogus formula coming from the pen of the Defendant von Neurath. He was at the meeting of November 5, 1937, of which we have the Hossbach minutes, United States Exhibit 25. And so he knew very well the firmly held Nazi ideas with respect to Austria and Czechoslovakia. And yet, in the period after March 10, 1938, when he was handling the foreign affairs for this conspiracy -- and particularly after the invasion of Austria he played out his part in making false representations. He gave an assurance to Mr. Mastny regarding the continued independence of Austria. I refer to the document introduced by Sir David Maxwell-Fyfe, Document TC-27, GB Exhibit 21.

And we see him here, still handling foreign affairs, although using the letterhead of the Secret Cabinet Council, as the exhibit shows, reciting this diplomatic fable with respect to the Austrian situation, a story also encountered by us in the transcript of the Goering-Ribbentrop telephone call, all in furtherance of the aims of what we call the conspiracy.

Now, if the Tribunal please, it might have been fitting and appropriate for me to present the case on collaboration with Japan and the attack on the United States on this December 7, 1945, the fourth anniversary of the attack on Pearl Harbor. However, our plan was to proceed chronologically, so that part of the case must wait its turn for presentation next week.

We now come to the climacteric of this amazing story of wars of aggression, perhaps one of the most colossal mis-estimates in history, when Hitler's intuition led him and his associates to launch an aggressive war against the Union of Soviet Socialist Republics.

In my last appearance before the Tribunal, I presented an account of the aggression against Czechoslovakia. In the meantime, our British colleagues have given you the evidence covering the

H0017-0040

formulation of the plan to attack Poland and the preparations and initiation of actual aggressive war. In addition, they have laid before the Tribunal the story of the expansion of the war into a general war of aggression involving the planning and execution of attacks on Denmark, Norway, Belgium and the Netherlands, Luxembourg, Yugoslavia, Greece, and in doing so, the British prosecution has marshalled and presented to the Court various international treaties, agreements and assurances and the evidence establishing the breaching of those treaties and assurances.

H0017-0041

I should like to present to the Tribunal now the account of the last but one of the defendants' acts of aggression, the invasion of the USSR. The section of the Indictment in which this crime is charged is Count I, Section 4 (f), Paragraph (6), German invasion on June 22, 1941 of the USSR Territory in violation of the Non-Aggression Pact of 23 August, 1939. The first sentence of this paragraph is the one with which we shall be concerned today. It reads:

"On June 22, 1941, the Nazi conspirators deceitfully denounced the Non-Aggression Pact between Germany and the USSR and without any declaration of war invaded Soviet territory, thereby beginning a war of aggression against the USSR."

The documents having a bearing on this phase of the case are contained in document book marked "P", which we now hand to the Court.

First, if the Tribunal please, the inception of the plan. As a point of departure for the story of aggression against the Soviet Union, I should like to take the date 23 August, 1939. On that date, just a week before the invasion of Poland, the Nazi conspirators caused Germany to enter into the Treaty of Non-Aggression with the USSR, which is referred to in this section of the Indictment which I have just quoted. This treaty, Document Number TC 25, has been introduced in evidence by our British colleagues, but it contains two articles which I should like to bring to the attention of the Tribunal. Article C 1 provided as follows:

"The two contracting parties undertake to refrain from any act of violence, any aggressive action, or any attack against one another, whether individually or jointly with other Powers."

Article 5 provided that should disputes or conflicts arise between the Contracting Parties, regarding questions of any kind whatsoever, the two parties would clear away these disputes or conflicts solely by friendly exchanges of view or, if necessary, by arbitration commissions.

It is well to keep these solemn pledges in mind during the course of the story which is to follow. This treaty was signed for the German Government by the defendant Ribbentrop. Its announcement came as somewhat of a surprise to the world, since it appeared to constitute a reversal of the

H0017-0042

previous trend of Nazi foreign policy. The explanation for this about-face has been provided, however, by no less eminent a witness than the defendant Ribbentrop himself in a discussion which he had with the Japanese Ambassador Oshima in Fuschl on 23 February 1941. A report of that conference was forwarded by Ribbentrop to certain German diplomats in the field for their strictly confidential and purely personal information. This report we now have. It isnumber 1834-PS. I offer it in evidence as Exhibit USA 129, the original German document.

On Page 2 of the English translation, Ribbentrop tells Oshima the reason for the Pact with the USSR. That is Page 4 of the German.

(Reading)

"Then when it came to war the Fuehrer decided on a treaty with Russia -- a necessity for avoiding a two-front war."

In view of the spirit of opportunism which motivated the Nazis in entering into this solemn pledge of arbitration and non-aggression, it is not very surprising to find that they regarded it, as they did all treaties and pledges, as binding on them only so long as it was expedient for them to be bound. That they did so regard it is evidenced by the fact that even while the campaign in the West was still in progress, they began to consider the possibility of launching a war of aggression against the USSR.

In a speech to Reich and Gauleiters at Munich in November, 1943, which is set forth in our document L-172, already in evidence as USA Exhibit Number 34, the defendant Jodl admitted -- and I shall read from Page 7 of the English translation, which is at Page 15 of the original German text:

"Parallel with all these developments realization was steadily growing of the danger drawing constantly nearer from the Bolshevik East -- that danger which has been only too little perceived in Germany and latterly, for diplomatic reasons, had deliberately to be ignored."

THE PRESIDENT: Mr. Alderman, did you say Page 7?

MR. ALDERMAN: Yes.

THE PRESIDENT: I seem to have only five pages of it.

MR. ALDERMAN: It is numbered at the top of thepage.

THE PRESIDENT: Are you reading from L-172?

MR. ALDERMAN: Yes.

H0017-0043

THE PRESIDENT: I beg your pardon. I thought you were reading from 1834-PS. Yes, go on.

MR. ALDERMAN: "Parallel with all these developments realization was steadily growing of the danger drawing constantly nearer from the Bolshevik East -- that danger which has been only too little perceived in Germany and latterly, for diplomatic reasons, had deliberately to be ignored. However, the Fuehrer himself has always kept this danger steadily in view and even as far back as during the Western Campaign had informed me of his fundamental decision to take steps against this danger the moment our military position made it at all possible."

At the time this decision was made, however, the Western campaign was still in progress, and so any action in the East necessarily had to be postponed for the time being. On 22 June, 1940, however, the Franco-German armistice was signed at Compiegne, and the campaign in the West, with the exception of the war against Britain, came to an end. The view that Germany's key to political and economic dominance lay in the elimination of the USSR as a political factor and in the acquisition of lebensraum at their expense had long been basic in Nazi ideology. As we have seen, this idea had never been completely forgotten, even while the war in the West was in progress. Now, flushed with the recent success of their arms and yet keenly conscious of both their failure to defeat Britain and the needs of their

H0017-0044

armies for food and raw materials, the Nazis began serious consideration of the means for achieving their traditional ambition by conquering the Soviet Union.

The situation in which Germany now found itself made such action appear both desirable and practical. As early as August of 1940, General Thomas received a hint from the defendant Goering that planning for a campaign against the Soviet Union was already underway. Thomas at that time was the Chief of the Wirtschafts Ruestungs Amt of the OKW.

I should, perhaps, mention that this office is generally referred to in the German documents by the abbreviation WR. RUE.

General Thomas tells of receiving this information from Goering in his draft of a work entitled "Basic Facts for a History of German War and Armament Economy," which he prepared during the summer of 1944. This book is our document 2353 PS and has already been admitted into evidence as Exhibit USA 35. I am sorry, it was marked that for identification purposes. I now offer it in evidence as USA Exhibit Number 35.

On pages 313 to 315 of this work, Thomas discusses the Russo-German Trade Agreement of 1939 and relates how, since the Soviets were delivering quickly and well under this agreement and were requesting war materials in return, there was much pressure in Germany until early in 1940 for increased delivery on the part of the Germans. However, at page 315 he has the following to say about the change of heart expressed by the German leaders in August of 1940. I read from page 9 of the English translation:

"On August 14, the Chief of the Wirtschafts Ruestungs Amt, during a conference with Reichsmarshal Goering, was informed that the Fuehrer desired punctual delivery to the Russions only until spring 1941. Later on, we were to have no further interest in completely satisfying the Russian demand. This illusion moved the Chief of the Wirtschafts Ruestungs Amt to give priority to matters concerning Russian war economy."

H0017-0045

I shall refer to this statement again later when I discuss the preparation for the economic exploitation of Soviet territory expected to be captured. At that time, too, I shall introduce evidence which will show that in November of 1940 Goering informed Thoma that a campaign was planned against the USSR.

Preparations for so large an undertaking as an invasion of the Soviet Union necessarily entailed, even this many months in advance of the date of execution, certain activity in the East in the way of construction projects and strengthening of forces. Such activity could not be expected to pass unnoticed by the Soviet Intelligence Service. Counter-intelligence measures were obviously called for.

In an OKW directive signed by the Defendant Jodl and issued to the Counter-Intelligence Service abroad on 6 September 1940, such measures were ordered. This directive is our No. 1229-PS and I offer it in evidence as Exhibit U.S.A.-130, a photostat of the captured German document. This directive pointed out that the activity in the East must not be permitted to create the impression in the Soviet Union that an offensive was being prepared, and outlined the line for the counter-intelligence people to take to disguise this fact. The text of the directive indicates by implication the extent of the preparations already under way, and I should like to read it to the Tribunal:

"The Eastern territory will be manned stronger in the weeks to come. By the end of October the Status shown on

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the enclosed map is supposed to be reached.

"These regroupings must not create the impression in Russia that we are preparing an offensive in the East. On the other hand, Russia will realize that strong and highly trained German troops are stationed in the Gouvernement, in the Eastern provinces, and in the Protekterat; she should draw the conclusion that we can at any time protect our interests- especially on the Balkan - with strong forces against Russian seizure.

"For the work of our own intelligence service as well as for the answer to questions of the Russian intelligence service, the following directives apply:

"1) The respective total strength of the German troops in the East is to be veiled as far as possible by giving news about a frequent change of the army units there. This change is to be explained by movements into training camps, regroupings.

"2) The impression is to be created that the center of the massing of troops is in the Southern part of the Gouvernement, in the Protekterat and in Austria, and that the massing in the North is relatevely unimportant.

"3) When it comes to the equipment situation of the units, especially of the armored divisions, things are to be exaggerated, if necessary.

"4) By suitable news the impression is to be created that the anti-aircraft protection in the East has been increased considerably after the end of the campaign in the West and that it continues to be increased with captured French material on all important targets.

"5) Concerning improvements on railroads, roads, airdromes, etc., it is to be stated that the work is kept within normal limits, is needed for the improvement of the newly won Easter territories, and serves primarily economical traffic.

"The supreme command of the Army (OKH) decides to what extent correct details, i.e., numbers of regiments, manning of garrisons, etc., will be made available to the defense for purposes of counter espionage.

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"The chief of the supreme command of the armed forces

"by order of

"signed JODL".

Early in November of 1940, Hitler reiterated his previous orders and called for a continuation of preparations, promising further and more definite instructions as soon as this preliminary work produced a general outline of the Army's operational plan. This order was contained in a top secret directive from the Fuehrer's headquarters, No. 18, dated 12 November 1940, signed by Hitler and initialed by JODL. It is No.444-PS in our numbered series and is already in evidence as GB-Exhibit No. 116.

The directive begins by saying:

"The preparatory measures of Supreme Headquarters for the prosecution of the war in the near future are to be made along the following lines:"

It then outlines plans for the various theaters and the policy regarding relations with other countries, and says, regarding the USSR -- and I read now from page 3, paragraph No. 5 of the English translation:

"Political discussions have been initiated with the aim of clarifying Russia's attitude for the time being. Irrespective of the results of these discussions, all preparations for the East which have already been verbally ordered will be continued.

"Instructions on this will follow, as soon as the general outline of the army's operational plans has been submitted to, and approved by me."

On the 5th December 1940, the Chief of the General Staff of the Army, at that time General Halder, reported to the Fuehrer concerning the progress of the plans for the coming operation against the USSR. A report of this conference with Hitler is contained in captured document No. 1799-PS. This is a folder containing many documents, all labeled annexes and all bearing on Fall Barbarossa, the plan against the USSR. This folder was discovered in the War Diary of the Wehrmacht Fuehrung Stab and was apparently an enclosure to that diary.

The report I am here referring to is Annex No. 1, and is dated December 1940.

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I now offer in evidence Document No. 1799-PS as United States Exhibit No. 131. I should also like to read into the record a few sentences from the report of 5 December 1940,

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as they indicate the state of the planning for this act of aggression, six and a half months before it occurred.

"Report to the Fuehrer on 5 December 1940.

"The Chief of the General Staff of the Army then reported about the planned operation in the East. He expanded at first on the geographic fundamentals. The main war industrial centers are in the Ukraine, in Moscow and in Leningrad."

Then, skipping:

"The Fuehrer declares that he has agreed with the discussed operational plans and adds the following:

"The most important goal is to prevent that the Russians should withdraw on a closed front. The eastward advance should be combined until the Russian Air Force will be unable to attack the territory of the German Reich, and on the other hand the German Air Force will be enabled to conduct raids to destroy Russian war industrial territory. In this way, we should be able to achieve the annihilation of the Russian Army and to prevent its regeneration. The first commitment of the forces should take place in such a way as to make the annihilation of strong enemy units possible."

Then, skipping again:

"It is essential that the Russians should not take up positions in the rear again. The number of 130 to 140 divisions as planned for the entire operation is sufficient."

THE PRESIDENT: Would that be a good time to break off?

MR. ALDERMAN: Very convenient, sir.

THE PRESIDENT: Then we shall not sit in open session tomorrow. We will sit again on Monday at 10:00 o'clock.

(Whereupon at 1700 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours, December 9, 1945.)

File copy

H0017-0050

Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nürnberg, Germany, on 7 December, 1945, 1000-1300, Lord Justice Lawrence presiding.

MR. ELWYN JONES: May it please the Tribunal, yesterday afternoon when the Tribunal adjourned I was dealing with the stage of the Nazi conspiracy against Norway at which the activities of the Defendants Raeder and Rosenberg converged. The Court will remember that I submitted in evidence Exhibit C-65, which was a report from the Defendant Rosenberg to Raeder regarding Quisling, and ending with the infamous words: "Quisling gives figures of the number of German troops required which accord with German calculations."

The Court has already received in evidence and heard read material parts of Exhibit C-66, which was the report of Raeder to Admiral Assmann, which disclosed how, in December of 1939, the Defendant Raeder did in fact meet Quisling and Hagelin.

I now invite the Court to look at Exhibit C-64 which, for the purposes of the record, will be GB-86. The Court will observe that that is a report by Raeder of a meeting of the Naval Staff with Hitler on the 12th of December, 1939, at 1200 hours, in the presence of the Defendants Keitel and Jodl and Puttkammer, who at this time was adjutant to Hitler.

The report is headed "Norwegian Question", and the first sentence reads:

"C-in-C Navy"--who of course was the Defendant Raeder--"has received Quisling and Hagelin. Quisling creates the impression of being reliable."

And then there follows, in the next two paragraphs, a statement of Quisling's views, views with which the Court is by now familiar because of my reading of extracts from the document 007-PS; but I draw the Court's attention to the fourth paragraph in document C-64,

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beginning:

"The Fuehrer thought of speaking to Quisling personally so that he might form an impression of him. He wanted to see Rosenberg once more beforehand, as the latter has known Quisling for a long while. C-in-C Navy"--that is, of course, Raeder--"suggests that if the Fuehrer forms a favorable impression, the OKW should obtain permission to make plans with Quisling for the preparation and carrying out of the occupation.

"(a) By peaceful means; that is to say, German forces summoned by Norway, or

"(b) To agree to do so by force."

That was the 12th of December, a meeting at which Raeder made this report to Hitler.

If the Court will now look at Exhibit C-66, which is Raeder's record of these transactions for the purposes of history, the Court will observe, in the last sentence of the second paragraph of the section of C-66 headed "(b) Weseruebung", these words:

"Thus, we got in touch with Quisling and Hagelin, who came to Berlin at the beginning of December and were taken to the Fuehrer"--

THE PRESIDENT: I haven't got it.

MR. ELWYN JONES: I beg your Lordship's pardon; it is C-66, the second page, headed "Weseruebung", in the second paragraph.

THE PRESIDENT: Yes, I see.

MR. ELWYN JONES: The third line.

THE PRESIDENT: Yes.

MR. ELWYN JONES: "Thus, we got in touch with Quisling and Hagelin, who came to Berlin at the beginning of December and were taken to the Fuehrer by me, with the approval of Reichsleiter Rosenberg."

And then the Court will observe a note at the end of the page: "At the crucial moment, R"--presumably Rosenberg--"hurt his foot, so that I visited him in his house on the morning of the 14th of December."

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That is, of course, Raeder's note, and it indicates the extent of his contact in this conspiracy.

The report continues:

"On the grounds of the Fuehrer's discussion with Quisling and Hagelin on the afternoon of the 14th of December, the Fuehrer gave the order that the preparations for the Norwegian operation were to be made by the Supreme Command of the Armed Forces.

"Until that moment, the Naval War Staff had taken no part in the development of the Norwegian question, and continued to be somewhat skeptical about it. The preparations, which were undertaken by Captain Kranke in the Supreme Command of the Armed Forces, were founded, however, on a memorandum of the Naval War Staff."

The Court may well think that the note of the Defendant Raeder referring to the crucial moment was an appropriate one, because the Court will see that on that day, the 14th of December, Hitler gave the order that preparations for the Norwegian operation were to be begun by the Supreme Command of the Armed Forces.

If the Court will now turn to Exhibit 007-PS, which is further on in the document book, and which the Court will remember is Rosenberg's report on the activities of his organization--it is after the "D" documents--if the Court will turn to about ten lines from the bottom of the first page of Annex I, dealing with Norway, the Court will see that there were further meetings between Quisling and the Nazi chiefs in December, and I am going to read now the section beginning:

"Quisling was granted a personal audience with the Fuehrer on 16 December, and once more on 18 December. In the course of this audience the Fuehrer emphasized repeatedly that he personally would prefer a completely neutral attitude of Norway, as well as of the whole of Scandinavia. He did not intend to enlarge the theater of war and to draw still other nations into the conflict."

As I have said, in opening the presentation of this part of the case, here was an instance where pressure had to be brought to bear on Hitler to induce him to take part in these operations.

The report continues:

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"Should the enemy attempt"--there is a mis-translation there--"to extend the war, however, with the aim of achieving further throttling and intimidation of the Greater German Reich, he would be compelled to gird himself against such an undertaking. In order to counterbalance increasing enemy propaganda activity, he promised Quisling financial support of his movement, which is based on Greater German ideology. Military exploitation of the question now raised was assigned to the special military staff, which transmitted special missions to Quisling. Reichsleiter Rosenberg was to take over political exploitation. Financial expenses were to be defrayed by the Ministry for Foreign Affairs"--that is to say, by Ribbentrop's organization--"the Minister for Foreign Affairs"--that is to say, Ribbentrop--"being kept continuously informed by the Foreign Affairs Bureau," which, of course, was Rosenberg's organization.

"Chief of Section Scheidt was charged with maintaining liaison with Quisling. In the course of further developments he was assigned to the Naval Attache in Oslo. Orders were given that the whole matter be handled with strictest secrecy."

Here again the Court will note the close link between the Nazi politicians and the Nazi service chiefs.

The information that is available to the Prosecution as to the events of January 1940 is not full, but the Court will see that the agitation of the Defendants Raeder and Rosenberg did bear fruit, and I now invite the Court to consider a letter of Keitel's, Exhibit C-63, which, for the purposes of the record, will be GB-87. The Court will observe that that is an order--a memorandum--signed by Keitel, the Defendant Keitel, dated the 27th of January, 1940. It is marked "Most Secret, five copies; reference, Study 'N'", which was another code name for the Weseruebung preparations, "Access only through an officer."

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It is headed: "C-in-C of the Navy"--that is to say, the Defendant Raeder--"has a report on this."

The document reads:

"The Fuehrer and Supreme Commander of the Armed Forces wishes that Study 'N' should be further worked on under my direct and personal guidance, and in the closest conjunction with the general war policy. For these reasons the Fuehrer has commissioned me to take over the direction of further preparations.

"A working staff has been formed at the Supreme Command of the Armed Forces Headquarters for this purpose, and this represents at the same time the nucleus of a future operational staff."

Then, at the end of the memorandum:

"All further plans will be made under the cover name 'Weseruebung.'"

I should like respectfully to draw the Tribunal's attention to the importance of that document, to the signature of Keitel upon it, and to the date of this important decision.

Prior to this date, the 27th of January 1940, the Planning of the various aspects of the invasion of Norway and Denmark had been confined to a relatively small group, whose aim had been to persuade Hitler of the desirability of undertaking this Norwegian operation; and the issuance of this directive of Keitel's on the 27th of January, 1940, was the signal that the Supreme Command of the German Armed Forces, the OKW, had accepted the proposition of the group that was pressing for this Norwegian adventure, and turned the combined resources of the German military machine to the task of producing practical and coordinated plans for the Norwegian operation.

The Court will observe that from January onward the operational planning for the invasion of Norway and Denmark was started through the normal channels.

And now I would refer the Court to some entries in the diary of the Defendant Jodl, to see how the preparations progressed. That is Exhibit Number 1809-PS, which will be, for the purposes of the record, GB-88. That, the Court will observe, is the last document in the document book.

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There is a slight confusion in the order in which the entries are set out in the diary, because the first three pages relate to entries which will be dealt with in another part of the case.

I invite the Court's attention to page 3 of these extracts from Jodl's diary, beginning at the bottom, February 6th. The entry under the date line of February 6th starts: "New idea: Carry out 'H' and Weser Exercise only and guarantee Belgium's neutrality for the duration of the war."

I would like to repeat that entry, if I may be permitted to do so:

"New idea: Carry out 'H' and Weser Exercise only and guarantee Belgium's neutrality for the duration of the war."

The next entry which I invite the Court's attention to is the entry of the 21st of February.

THE TRIBUNAL (Mr. Biddle): What does that mean: "To carry out 'H'"?

MR. ELWYN JONES: That is a reference to another code word, "Hartmudt", which the Court will see disclosed in a subsequent document, That is another code word for this Norwegian and Danish operation.

The entry of February 21st in Jodl's diary reads: "Fuehrer has talked with General von Falkenhorst, and charges him with preparation of 'Weser Exercise.' Falkenhorst accepts gladly. Instructions issued to the three branches of the armed forces."

Then the next entry, on the next page--

THE PRESIDENT (Interposing): "Weser Exercise" -- is that Norway too?

MR. ELWYN JONES: That is Norway too, My Lord, yes. That is a translation of "Weseruebung."

The entry on the next page, under the date of February 28th:

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"I propose, first to the Chief of OKW and then to the Fuehrer, that Case Yellow"--which, as the Court knows, is the code name for the invasion of the Netherlands--"and Weser Exercise"--the invasion of Norway and Denmark--"must be prepared in such a way that they will be independent of one another as regards both time and forces employed. The Fuehrer completely agrees, if this is in any way possible."

So that the Court will observe that the new idea of February 6th that the neutrality of Belgium might be observed had been abandoned by February 28th.

The next entry, of February the 29th--I am not troubling the Court with further entries of the 28th of February, which relate to the forces to be employed in the invasion of Norway and Denmark.

February 29th, the second paragraph:

"Fuehrer also wishes to have a strong task force in Copenhagen and a plan, elaborated in detail, showing how individual coastal batteries are to be captured by shock troops. Warlimont, Chef Landesverteidigung, instructed to make out immediately the order of the Army, Navy, and Air Force, and Director of Armed Forces to make out a similar order regarding the strengthening of the staff."

And there, for the moment, I will leave the entries in Jodl's diary and refer the Court to the vital document C-174, which, for the purposes of the record, will be GB-89. And the Court will see, from that document, that it is Hitler's operation order to complete preparations--the Court will observe that that is Hitler's order to complete the preparations for the invasion of Norway and Denmark. It bears the date of the 1st of March, 1940, and it is headed: "The Fuehrer and Supreme Commander of the Armed Forces, Most Secret."

Then, "Directive for Fall Weseruebung.

"The development of the situation in Scandinavia requires the making of all preparations for the occupation of Denmark and Norway by a part of the German Armed Forces--Fall Weseruebung. This operation should prevent British encroachment on Scandinavia and the

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Baltic; further, it should guarantee our ore base in Sweden and give our Navy and Air Force a wider start line against Britain."

Paragraph 2 reads:

"In view of our military and political power in comparison with that of the Scandinavian States, the force to be employed in the Fall Weseruebung will be kept as small as possible. The numerical weakness will be balanced by daring actions and surprise execution. On principle we will do our utmost to make the operation appear as a peaceful occupation, the object of which is the military protection of the neutrality of the Scandinavian States. Corresponding demands will be transmitted to the Governments at the beginning of the occupation. If necessary, demonstrations by the Navy and the Air Force will provide the necessary emphasis. If, in spite of this, resistance should be met with, all military means will be used to crush it."

There follows, in paragraph 2 on the next page:

"I put in charge of the preparations and the conduct of the operation against Denmark and Norway the Commanding General of the 21st Army Corps, General von Falkenhorst."

Paragraph 3: "The crossing of the Danish border and the landings in Norway must take place simultaneously. I emphasize that the operations must be prepared as quickly as possible. In case the enemy seizes the initiative against Norway, we must be able to apply immediately our own counter-measures.

"It is most important that the Scandinavian States as well as the Western opponents should be taken by surprise by our measures. All preparations, particularly those of transport and of readiness, drafting and embarkation of the troops, must be made with this factor in mind.

"In case the preparations for embarkation can no longer be kept secret, the leaders and the troops will be deceived with fictitious objectives."

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Then paragraph 4 on the next page, "The Occupation of Demark", which is given the code name of "Weseruebung Sued".

"The task of Group XXI: Occupation by surprise of Jutland and of Fuenen immediately after occupation of Seeland.

"Added to this, having secured the most important places, the Group will break through as quickly as possible from Fuenen to Skagen and to the east coast."

Then there follow other instructions with regard to the operation.

Paragraph 5: "Occupation of Norway, Weseruebung Nord".

"The task of the Group XXI: Capture by surprise of the most important places on the coast by sea and airborne operations.

"The Navy will take over the preparation and carrying out of the transport by sea of the landing troops." And there follow a reference to the part of the Air Force, and I would like particularly to draw the Court's attention to that reference.

This is paragraph 5 on page 3 of Hitler's directive:

"The Air Force, after the occupation has been completed, will ensure air defense and will make use of Norwegian bases for air warfare against Britain."

I am underlining that entry at this stage, because I shall be referring to it in connection with a later document.

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Whilst these preparations were being made and just prior to the final decision of Hitler -

THE PRESIDENT: Did you draw our attention to the Defendant by whom it was initialled on the first page?

MR. ELWYN JONES: Fricke, that's right, on the first page of that document; that is an initial by Fricke.

THE PRESIDENT: Is this a different name - Fricke?

MR. ELWYN JONES: That is a different person altogether. That is a high functionary in the German Admiralty, and has no connection with the Defendant who is before the Tribunal.

As I was saying, My Lord, while these decisions were being made reports were coming in through Rosenburg's organization from Quisling, and if the court will again turn for the last time to Exhibit 007-PS, which is Rosenburg's report, the Tribunal will observe the kind of information which Rosenburg's organization was supplying at this time. The third paragraph, Quisling reports -- that is in Annx I in Rosenburg's report, the section dealing with Norway, on my copy, referring to the second page of the Annex, the paragraph beginning with:

"Quisling's reports, transmitted to his representative in Germany, Hagelin, and dealing with the possibility of intervention by the Western Powers in Norway with tacit consent of the Norwegian Government, became more urgent by January. These increasingly better substantiated communications were in sharpest contrast to the views of the German Legation in Oslo, which relied on the desire for neutrality of the then Norwegian Nygardszvold Cabinet, and was convinced of that government's intention and readiness to defend Norway's neutrality. No one in Norway knew that Quisling's representative for Germany maintained closest relations to him; he therefore succeeded in gaining a goothold within governmental circles of the Nygardszvold cabinet and in listening to the cabinet members' views. Hagelin transmitted what he had heard to the Bureau (Rosenburg's bureau), which conveyed the news to the Fuehrer through Reichsleiter Rosenburg. During the night of the 16th. to 17th. of February, English destroyers attacked the German steamer 'Altmark'

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in Jessingjord."

The Tribunal will remember that that is a reference to the action by the British destroyer Cossack against the German naval auxiliary vessel "Altmark," which was carrying three hundred British prisoners, captured on the high seas, to Germany through Norwegian territorial waters. The position of the British delegation with regard to that episode is that the use that was being made by the "Altmark" of Norwegian territorial waters was in fact a flagrant abuse in itself of Norwegian neutrality, and the action taken by H.M.S. Cossack, which was restricted to rescuing the three hundred British prisoners on board. No attempt being made to destroy the "Altmark" or to capture the armed guards on board her was fully justified under international law.

Now the Rosenburg report, which I interrupted to give that statement of the British view on the "Altmark" episode -- The Rosenburg report continues:

"The Norwegian Government's reaction to this question permitted the conclusion that certain agreements had been covertly arrived at between the Norwegian Government and the Allies. Such assumption was confirmed by reports of Section Scheidt, who in turn derived his information from Hagelin and Quisling. But even after this incident the German Legation in Oslo championed the opposite view, and went on record as believing in the good intentions of the Norwegians."

And so the Tribunal will see that the Nazi Government preferred the reports of the traitor Quisling to the considered judgment of German diplomatic representatives in Norway. The result of the receipt of reports of that kind was the Hitler decision to invade Norway and Denmark. The culminating details in the preparations for the invasion are again found in Jodl's diary, which is the last document in the document book. I will refer the Court to the entry of the 3rd of March:

"The Fuehrer expressed himself very sharply on the necessity of a swift entry into N, which is Norway, with strong forces.

"No delay by any branch of the armed forces. Very rapid acceleration of the attack necessary."

Then the last entry on March 3: "Fuehrer decides to carry out 'Weser Exercise' before case 'Yellow' with a few days interval."

So that the important issue of strategy which had been concerning the German High Command for some time had been decided by this date, and the fate of Scandinavia was to be sealed before the fate of the Low Country; and the Court will observe from those entries of March 3 that by that date Hitler had become an enthusiastic convert to the idea of a Norwegian aggression.

The next entry in Jodl's diary of the 5th of March: "Big conference with the three commanders-in-chief about 'Weser Exercise.' Field Marshal in a rage because not consulted till now. Won't listen to anyone and wants to show that all preparations so far made are worthless.

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Result: (a) Stronger forces to Narvik.

(b) Navy to leave ships in the ports (Hipper or Luetzow in Trondheim).

(c) Christiansand can be left out at first.

(d) Six divisions envisaged for Norway.

(e) A foothold to be gained immediately in Copenhagen."

Then the next entry which I desire to draw the Court's attention to is the entry of the 13th of March, which the Court may think is one of the most remarkable in the whole documentation of this case.

"Fuehrer does not give order yet for 'W' (Weser Exercise). He is still looking for an excuse."

The entry of the next day, the 14th of March, shows a similar preoccupation on the part of Hitler for seeking an excuse for the flagrant aggression. It reads:

"English keep vigil in the North Sea with fifteen to sixteen submarines; doubtful whether reason to safeguard own operations or prevent operations by Germans. Fuehrer has not yet decided what reason to give for 'Weser Exercise.'"

And then I would like the Court to look at the entry for the 21st of March, which by inadvertence has been included in the next page at the bottom of page 6.

"Misgivings of Task Force 21"--the Court has seen from documents that I have put in already that Task Force 21 was Falkenhorst's Force, which was detailed to conduct this invasion--"Misgivings of Task Force 21 about the long interval between taking up readiness positions at 05.30 hours and close of diplomatic negotiations. Fuehrer rejects any earlier negotiations, as otherwise calls for help go out to England and America. If resistance is put up it must be ruthlessly broken. The political plenipotentiaries must emphasize the military measures taken, and even exaggerate them."

Comment upon that entry is, I think, unnecessary. The next entry, if the Court will turn to page 5, of the 28th of March, the third sentence:

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"Individual naval officers seem to be lukewarm concerning the Weser Exercise and need a stimulus. Also Falkenhorst and the other two commanders are worrying about matters which are none of their business. Franke sees more disadvantages than advantages.

"In the evening the Fuehrer visits the map room and roundly declares that he won't stand for the Navy clearing out of the Norwegian ports right away. Narvik, Trondheim and Oslo will have to remain occupied by naval forces."

There the Court will observe that Jodl, as ever, is the faithful collaborator of Hitler.

Then April 2nd:

"Commander-in-Chief of the Air Force, Commander-in-Chief of the Navy, and General von Falkenhorst with the Fuehrer. All confirm preparations completed. Fuehrer orders carrying out of the Weser Exercise for April 9th."

Then the last entry in the next page--I will first dwell with at this stage the 4th of April.

"Fuehrer drafts the proclamation. Piepenbrock, Chief of Military Intelligence 1, returns with good results from the talks with Quisling in Copenhagen."

Until the very last the treachery of Quisling was being most active.

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The prosecution has in its possession a large number of operation orders that were issued in connection with the aggression against Norway and Denmark, but I propose only to draw the Court's attention to two of them to illustrate the extent of the secrecy and deception that was used by the defendants and their confederates in the course of that aggression. I would now draw the court's attention to Exhibit C-115 which, for the purposes of the record, will be Exhibit G.B. 90. First of all, I will draw the court's attention to the second paragraph, "General Orders," with a date, the 4th of April, 1940:

"The barrage-breaking vessels, Speerbrechers, will penetrate inconspicuously and with lights on into Oslo Fjord disguised as merchant steamers.

"Challenge from coastal signal stations and lookouts are to be answered by the deceptive use of the names of English steamers. I lay particular stress on the importance of not giving away the operation before zero hour."

Then the next entry is an order for reconnaissance forces dated the 24th of March 1940: "Behavior during entrance into the harbor." The third paragraph is the part that I wish to draw the court's attention to. "The disguise as British craft must be kept up as long as possible. All challenges in morse by Norwegian ships will be answered in English. In answer to questions a text with something like the following content will be chosen:

"Calling at Bergen for a short visit; no hostile intent.

"Challenges to be answered with names of British warships:

Koeln	--	H.M.S. Cairo;
Koenigsberg	--	H.M.S. Calcutta;
Bromso	--	H.M.S. Faulkner;
Karl Peters	--	H.M.S. Halcyon;
Leopard	--	British destroyer;
Wolf	--	British destroyer;

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E-boats -- British motor torpedo boats.

"Arrangements are to be made enabling British war flags to be illuminated. Continual readiness for making smoke."

And then finally the next order dated the 24th of March 1940, Annex three to Flag Officer Reconnaissance Forces; most secret. Next page, page two: "Following is laid down as guiding principle should one of our own units find itself compelled to answer the challenge of passing craft. To challenge in case of the 'Koeln' H.M.S. Cairo. Then to order to stop: (1) Please repeat last signal (2) Impossible to understand your signal. In case of a warning shot: Stop firing. British ship. Good friend. In case of an inquiry as to destination and purpose: Going Bergen. Chasing German steamers."

Then I would draw the court's attention to C-151, which for the purposes of the record will be G.B. 91, which is Doenitz's order in connection with this operation. If the Court will observe, it is headed "Top Secret, Operation Order 'Hartmut.' Occupation of Denmark and Norway. This order comes into force on the codeword 'Hartmut.' With its coming into force the orders hitherto valid for the boats taking part lose their validity.

"The day and hour are designated as 'Wesser-Day' and 'Weser-Hour', and the whole operation is known as 'Weseruebung'.

"The operation ordered by the codeword has its objective the rapid surprise landing of troops in Norway. Simultaneously Denmark will be occupied from the Baltic and from the land side."

And there is at the end of that paragraph another contribution by Doenitz to this process of deception: "The naval force will as they enter the harbor fly the British flag until the troops have landed, except presumably at Narvik."

The Tribunal now knows as a matter of history that on the 9th of April 1940 the Nazi onslaught on unsuspecting and almost unarmed people of Norway and Denmark was launched. When the invasions had

H0017-0066

already begun a German memorandum was handed to the governments of Norway and Denmark attempting to justify the German action, and I would like to draw the Court's attention to Exhibit T.C.55. That is at the beginning of the book of documents; the sixth document of the book. I am not proposing to read the whole of that memorandum. I have no doubt the defending counsel will deal with any parts which they consider relevant to the defense. The Court will observe that it is alleged that England and France were guilty in their maritime warfare of breaches of international law; and that Britain and France are making plans themselves to invade and occupy Norway, and that the government of Norway was prepared to acquiesce in such a situation.

The memorandum states--and I would now draw the Court's attention to page three of the memorandum; to the paragraph just below the middle of the page beginning "The German Troops"--"The German troops therefore do not set foot on Norwegian soil as enemies. The

H0017-0067

German High Command does not intend to make use of the points occupied by German troops as bases for operations against England. So long as it is not forced to do so by measures taken by England and France. German military operations aim much more exclusively at protecting the north against proposed occupation of Norwegian strong points by English-French forces."

In connection with that statement I would remind the Court that in his operation order on the 1st of March Hitler had then given orders to the Air Force to make use of Norwegian bases for air warfare against Britain. That is the 1st of March. And this is the memorandum which was produced as an excuse on the 9th of April. The last two paragraphs of the German memorandum to Norway and Denmark, the Court may think, are a classic Nazi combination of diplomatic hypocracy and military threat. They read:

"The Reich Government thus expects that the Royal Norwegian Government and the Norwegian people will respond with understanding to the German measures and offer no resistance to it. Any resistance would have to be and would be broken by all possible means by the German forces employed, and would therefore lead only to absolutely useless bloodshed. The Royal Norwegian Government has therefore requested to take all measures with the greatest speed to ensure that the advance of the German troops can take place without friction and difficulty. In the spirit of the good German-Norwegian relations that have always existed, the Reich Government declares to the Royal Norwegian Government that Germany has no intention of infringing by her measures the territorial integrity and political independence of the Kingdom of Norway now or in the future."

That the Nazis meant by "protection of the kingdom of Norway" was shown by their conduct on the 9th of April.

H0017-0068

What the Nazis meant by the protection of the Kingdom of Norway was shown by their conduct on the 9th of April. I now refer the Court to Document Exhibit TC-56, which would be GB-93, which is a report by the Commander in Chief of the Royal Norwegian Forces. It is as the beginning of the Document Book, the last of the TC documents.

I will not trouble the Court with the first page of the report. If the Tribunal will turn to the second page, it reads:

"The Germans, considering the long lines of communications and the threat of the British Navy, clearly understood the necessity of complete surprise and speed in the attack. In order to paralyse the will of the Norwegian people to defend their country and at the same time to prevent allied intervention it was planned to capture all the more important towns along the coast simultaneously. Members of the Government and Parliament and other military and civilian people occupying important positions were to be arrested before organized resistance could be put into effect and the King was to be forced to form a new government with Quisling as the head."

The next paragraph was read by the learned British Attorney General in his speech and I will only refer to the last paragraph but one:

"The German attack came as a surprise and all the invaded towns along the coast were captured according to plan with only slight losses. In the Oslofjord, however, the cruiser 'Blucher', carrying General Engelbrecht and parts of his division, technical staffs and specialists who were to take over the control of Oslo, was sunk. The plan to capture the King and members of the Government and Parliament failed in spite of the surprise of the attack, resistance was organized throughout the country."

That is a brief picture of what occurred in Norway.

What happened in Denmark is described in a memorandum prepared by the Royal Danish Government, a copy of which I hand in as Exhibit GB-94, and an extract from which is in D-628, which follows the TC documents.

"Extracts from the Memorandum concerning Germany's attitude towards Denmark before and during the occupation, prepared by the Royal Danish Government.

H0017-0069

"On the 9th of April, 1940 at 4.20 hours" -- in the morning, that is -- "the German Minister appeared at the private residence of the Danish Minister for Foreign Affairs accompanied by the Air Attache of the Legation. The appointment had been made by a telephone call from the German Legation to the Secretary General of the Ministry for Foreign Affairs at 4.00 o'clock the same morning. The Minister said at once that Germany had positive proofs that Great Britain intended to occupy bases in Denmark and Norway. Germany had to safeguard Denmark against this. For this reason German soldiers were now crossing the frontier and landing at various points in Zealand including the port of Copenhagen; in a short time German bombers would be over Copenhagen; their orders were not to bomb until further notice. It was now up to the Danes to prevent resistance as any resistance would have the most terrible consequences. Germany would guarantee Denmark territorial integrity and political independence. Germany would not interfere with the internal government of Denmark, but wanted only to make sure of the neutrality of the country. For this purpose the presence of the German Wehrmacht in Denmark was required during the war.

"The Minister for Foreign Affairs declared in reply that the allegation concerning British plans to occupy Denmark was completely without foundation; there was no possibility of anything like that. The Minister for Foreign Affairs protested against the violation of Denmark's neutrality which according to the German Minister's statement was in progress. The Minister for Foreign Affairs declared further that he could not give a reply to the demands, which had to be submitted to the King and the Prime Minister, and further observed that the German Minister knew, as everybody else, that the Danish armed forces had orders to oppose violations of Denmark's neutrality so that fighting presumably already took place. In reply the German Minister expressed that the matter was very urgent, not least to avoid air bombardment."

What happened thereafter is described in a dispatch from the British Minister in Copenhagen to the British Foreign Secretary, which the Tribunal will find in D 627, the document preceding the one which I have just read. That document, for purposes of the record, will be GB-95.

H0017-0070

That dispatch reads:

"The actual events of the 9th April have been pieced together by members of my staff from actual eye-witness or from reliable information subsequently received and are given below. Early in the morning towards 5 o'clock three small German transports steamed into the approach to Copenhagen harbour, whilst a number of airplanes circled overhead. The northern battery, guarding the harbor approach, fired a warning shot at these planes when it was seen that they carried German markings. Apart from this, the Danes offered no further resistance, and the German vessels fastened alongside the quays in the Free Harbor. Some of these airplanes proceeded to drop leaflets over the town urging the population to keep calm and cooperate with the Germans. I enclose a specimen of this leaflet, which is written in a bastard Norwegian-Danish, a curiously un-German disregard of detail, together with a translation. Approximately 800 soldiers landed with full equipment, and marched to Kastellet, the old fortress of Copenhagen and now a barracks. The door was locked, so the Germans promptly burst it open with explosives and rounded up all the Danish soldiers within, together with the womenfolk employed in the mess. The garrison offered no resistance, and it appears that they were taken completely by surprise. One officer tried to escaps in a motor car, but his chauffeur was shot before they could get away. He died in hospital two days later. After seizing the barracks, a detachment was sent to Amalienborg, the King's palace, where they engaged the Danish sentries on guard, wounding three, one of them fatally.... Meanwhile, a large fleet of bombers flew over the city at low altitudes."

Then, the last paragraph of the dispatch reads:

"It has been difficult to ascertain exactly what occurred in Jutland... It is clear, however, that the enemy invaded Jutland from the south at dawn on the 9th April and were at first resisted by the Danish forces, who suffered casualties.... The chances of resistance were weakened by the extent to which the forces appear to have been taken by surprise. The chief permament official of the Ministry of War, for instance, motored

H0017-0071

into Copenhagen on the morning of the 9th April and drove blithely past a sentry who challenged him, in blissful ignorance that this was not one of his own men. It took a bullet, which passed through the lapels of his coat, to disillusion him."

The German memorandum to the Norwegian and Danish governments spoke of the German desire to maintain the territorial integrity and political independence of those two small countries.

I will close by drawing the Court's attention to two documents which indicate the kind of territorial integrity and political independence the Nazi conspirators contemplated for the victims of their aggression. I will first draw the Courts attention to an entry in Jodl's Diary which is the last document in the book, on the last page of the book, the entry dated 19th April.

"Renewed crisis. Envoy Braver is recalled: since Norway is at war with us, the task of the Foreign Office is finished. In the Fuehrer's opinion, force has to be used. It is said that Gauleiter Terboven will be given a post. Field Marshall" -- which, as the Court will see from the other entries, is presumably a reference to the Defendant Goering -- "is moving in the same direction. He criticizes as defents that we didn't take sufficiently energetic measures against the civilian population, that we could have seized electrical plant, that the Navy didn't supply enough troops. The Air Force can't do everything."

The Court will see from that entry and the reference to Gauleiter Terboven that already by the 19th of April rule by Gauleiters had replaced rule by Norwegians.

The final document is Exhibit C-41, which will be Exhibit GB-96, which is a memorandum dated the third of June 1940, signed by Fricke, who, of course, has no connection with the Defendant Frick. Fricke was at that date the head of the Operations Division of the German Naval War Staff which was a key appointment in the very nerve center of German naval operations then. That is why, as the Tribunal noticed, he came to be initialing the important Naval documents.

H0017-0072

That memorandum is, as I have said, dated 3rd June, 1940, and relates to questions of territorial expansion and bases.

"These problems are pre-eminently of a political character and comprise an abundance of questions of a political type, which it is not the Navy's province to answer, but they also materially affect the strategic possibilities open--according to the way in which this question is answered--for the subsequent use and operation of the Navy.

"It is too well known to need further mention that Germany's present position in the narrows of the Heligoland Bight and in the Baltic--bordered as it is by a whole series of States and under their influence--is an impossible one for the future of Greater Germany. If, over and above this, one extends these strategic possibilities to the point that Germany shall not continue to be cut off for all time from overseas by natural geographical facts, the demand is raised that somehow or other an end shall be put to this state of affairs at the end of the war.

"The solution could perhaps be found among the following possibilities.

"1) The territories of Denmark, Norway and Northern France acquired during the course of the war continue to be so occupied and organized that they can in future be considered as German possessions.

"This solution will recommend itself for areas where the severity of the decision tells, and should tell, on the enemy and where a gradual 'Germanizing' of the territory appears practicable.

"2) The taking over and holding of areas which have no direct connection with Germany's main body, and which, like the Russian solution in Hange, remain permanently as an enclave in the hostile State. Such areas might be considered possibly around Brest and Trondjem.

H0017-0073

"3) The power of Greater Germany in the strategic areas acquired in this war should result in the existing population of these areas feeling themselves politically, economically and militarily to be completely dependent on Germany. If the following results are achieved--that expansion is undertaken (on a scale I shall describe later) by means of the military measures for occupation taken during the war, that French powers of resistance (popular unity, mineral resources, industry, Armed Forces) are so broken that a revival must be considered out of the question, that the smaller States such as the Netherlands, Denmark and Norway are forced into a dependence on us which will enable us in any circumstances and at any time easily to occupy these countries again, then in practice the same, but psychologically much more, will be achieved."

Then Fricke recommends:

"The solution given in 3), therefore, appears to be the proper one, that is, to crush France, to occupy Belgium, part of North and East France, to allow the Netherlands,

H0017-0074

Denmark and Norway to exist on the basis indicated above."

Then, the culminating paragraph of this report of Fricke reads as follows:

"Time will show how far the outcome of the war with England will make an extension of these demands possible."

The submission of the prosecution is that that and other documents which have been submitted to the Court tear apart the veil of the Nazi pretenses. These documents reveal the menace behind the good-will of Goering; they expose as fraudulent the diplomacy of Ribbentrop; they show the reality behind the ostensible political ideology of tradesmen in treason like Rosenberg, and finally and above all, they render sordid the professional status of Keitel and of Raeder.

THE PRESIDENT: The Tribunal will now adjourn.

(Whereupon at 1115 hours a short recess was taken.)

MR. G. D. ROBERTS: May it please the Tribunal: It is my duty to present that part of Count II which relates to the allegations with regard to Belgium, the Netherlands, and Luxembourg. In Charges 2, 3, 4, 9, 11, 13, 14, 18, 19, and 23 there are charges of violating certain treaties and conventions and violating certain assurances. So far as the treaties are concerned, some of them have been put in evidence already, and I will indicate that when I come to them. May I, before I come to the detail, remind the Tribunal of the history of these unfortunate countries, the Netherlands and Belgium, Belgium especially, who for so many centuries was the cockpit of Europe.

The independence of Belgium was guaranteed, as the Tribunal will remember, in 1839 by the great European powers. That guarantee was observed for seventy-five years, when it was shamelessly broken by the Germans in 1914, who brought all the horrors of war to Belgium, and all the even greater horrors of German occupation of Belgium. History was to repeat itself in a still more shocking fashion some twenty-five years after, in 1940, as the Tribunal already knows.

The first treaty which was mentioned in these charges is the Hague Convention of 1907. They have been put in by my learned friend, Sir David, and I think I need say nothing about them at all.

H0017-0075

The second treaty is the Locarno Convention, Arbitration and Conciliation Convention, of 1935. My Lord, that was between Germany and Belgium. That was put in by Sir David. It is GB 15, and I think I need say nothing more about that.

Belgium's independence and neutrality was guaranteed by Germany in that document.

My Lords, the next treaty is the Hague Arbitration Convention of May, 1926, between Germany and the Netherlands. That document I ought formally to put in. It is in the Reichsgesetzblatt, which perhaps I may call RGD in the future, for brevity; and it no doubt will be treated as a public document. But in my bundle of documents, which goes in the order in which I propose to refer to them, I think it is more convenient for the presentation of my case. That is the second or third document, TC 16.

THE PRESIDENT: It is Book 4, is it?

MR. ROBERTS: It's Book 4, My Lord. This is the Convention of Arbitration and Conciliation between Germany and the Netherlands, signed at The Hague in May 1926. Your Lordships have the document; perhaps I need only read Article I:

"The contracting parties"-- those are the Netherlands and the German Reich -- "undertake to submit all disputes of any nature whatever which may arise between them which it has not been possible to settle by diplomacy, and which have not been referred to the Permanent Court of International Justice, to be dealt with by arbitration or conciliation as provided."

And then, My Lords, there follow all the clauses which deal merely with the machinery of conciliation, which are unnecessary for me to read. May I just draw attention to the last Article, Article 21, which provides that the Convention shall be valid for ten years, and then to remain in force for successive periods of five years until denounced by either party. And this treaty never was denounced by Germany at all.

H0017-0076

The next treaty -- I put in that document in TC 16, which will be GB 97, and a certified copy is put in and a translation for the Court.

As the Tribunal already knows, in 1928 the Kellog-Briand Pact was made at Paris, by which all the powers renounced recourse to war. That is

H0017-0077

put in as GB 18, and I needn't, I think, put it in or refer to it again.

Then the last treaty, all of which, of course, belong to the days of the Weimar Republic, is the Arbitration Treaty between Germany and Luxembourg, executed in 1929. That is Document TC 20 in the bundle. It is two documents further on than the one the Tribunal has last referred to--TC 20, on the right-hand top corner. That is the Treaty of Arbitration and Conciliation between Germany and Luxembourg, signed at Geneva in 1929. May I just read the first few words of Article 1, which are familiar:

"The contracting parties undertake to settle by peaceful means all disputes of any nature whatever which may arise between them and which it may not be possible to settle by diplomacy." And then there follow the clauses dealing with the machinery for peaceful settlement of disputes, which follow the common form.

My Lords, those were the treaty obligations--My Lord, I am much obliged to my friend Captain Gordon. May I put in that last treaty, TC 20, which will be GB 98.

My Lords, those were the treaty obligations between Germany and Belgium at the time when the Nazi Party came into power in 1933, and, as you have heard from my learned friend, Hitler adopted and ratified the obligations of Germany under the Weimar Republic with regard to the treaties which had been entered into. My Lord, nothering more occurred to alter the position of Belgium until March 1936. Germany reoccupied the Rhineland; announced, of course, the resumption of conscription; and so on. And Hitler, on the 7th of March, 1936, purported in a speech to repudiate the obligations of the German Government under the Locarno Pact, the reason being given as the execution of the Franco-Soviet Pact of 1935. Sir David has dealt with that and has pointed out that there was no legal foundation for this claim to be entitled to renounce obligations under the Locarno Pact. But Belgium was, of course, left in the air, in the sense that it had entered itself into various obligations under the Locarno Pact in

H0017-0078

return for the liabilities which other nations acknowledged, and now one of those liabilities, namely, the liability of Germany to observe the Pact, had been renounced.

My Lord, and so on the 30th of January, 1937, perhaps because Hitler realized the position of Belgium and of the Netherlands, Hitler in the next document in the bundle, TC 33 and 35, which I hand in and will be GB 99, gave solemn assurance--he used the word "solemn". That has already been read by the Attorney General, and so I don't want to read it again. But the Tribunal will see that it is a full guarantee. In April of 1937, in a document which is not before the Court, France and England released Belgium from her obligations under the Locarno Pact. It is a matter of history and it does occur in an exhibit, but it hasn't been copied. Belgium, of course, gave guarantees of strict independence and neutrality, and France and England gave guarantees of assistance should Belgium be attacked. And it was because of that that Germany, on the 13th of October, 1937, in the next document, gave a very clear and unconditional guarantee to Belgium--Document TC 34, which I offer in evidence as Exhibit GB 100--the German declaration of the 13th of October, 1937, which shows the minutes:

"I have the honor on behalf of the German Government to make the following communication to Your Excellency: The German Government has taken cognizance with particular interest of the public declaration in which the Belgium Government defines the inter-national position of Belgium. For its part, it has repeatedly given expressions, especially through the declaration of the Chancellor of the German Reich in his speech of January 30th, 1937, to its own point of view. The German Government has also taken cognizance of the declaration made by the British and French Governments on the 24th of April 1937". That is a document to which I have previously referred. "Since the conclusion of a treaty. . ."

THE PRESIDENT: When you are reading a document to which you attach importance, would you go a little bit slower?

H0017-0079

MR. ROBERTS: I certainly will. A little bit slower or faster?

THE PRESIDENT: Slower in the documents you attach great importance to.

MR. ROBERTS: Yes. "Since the conclusion of a treaty to replace the Treaty of Locarno may still take some time, and being desirous of strengthening the peaceful aspirations of the two countries, the German Government regards it as appropriate to define now its own attitude towards Belgium. To this end, it makes the following declaration: First, the German Government has taken note of the views which the Belgian Government has thought fit to express. That is to say, (a) of the policy of independence which it intends to exercise in full sovereignty; (b) of its determination to defend the frontiers of Belgium with all its forces against any aggression or invasion and to prevent Belgian territory from being used for purposes of aggression against another state as a passage or as a base of operation by land, by sea, or in the air, and to organize the defense of Belgium in an effecient manner to this purpose. Two: The German Government considers that the invicability and integrity of Belgium are common interests of the Western Powers. It confirms its determination that in no circumstances willit impairthis invcilability and integrity, and that it will at all times respect Belgian territory except, of course, in the event of Belgium's taking part in a military action directed

H0017-0080

against Germany in an armed conflict in which Germany is involved. The German Government, like the British and French Governments, is prepared to assist Belgium should she be subjected to an attack or to invasion."

And then, on the following page: "The Belgian Government has taken note with great satisfaction of the declaration communicated to it this day by the German Government. It thanks the German Government warmly for this communication."

My Lords, may I pause there to emphasize that document. There, in October of 1937, is Germany giving a solemn guarantee to this small nation of its peaceful aspiration towards her, and its assertion that the integrity of the Belgian frontier was a common interest between her and Belgium and the other Western Powers.

You have before you to try the leaders of the German Government and the leaders of the German armed forces. One doesn't have to prove, does one, that everyone of those accused must have known perfectly well of that solemn undertaking given by its government? Every one of these accused, in their various spheres of activity, some more active than the other, were a party to the shameless breaking of that treaty eighteen months afterwards, and I submit that on the ordinary laws of inference and justice all those men must be fixed as active participators in that disgraceful breach of faith which brought misery and death to so many millions.

Presumably it will be contended on the part, for instance, of Keitel and Jodl, that they were merely honorable soldiers carrying out their duty. This Tribunal, no doubt, will inquire what code of honor they observe which permits them to violate the pledged word of their country.

That this declaration of October 1937 meant very little to the leaders and to the high command of Germany can be seen by the next document, which is Document PS 375 in the bundle. It is already an Exhibit, USA 84, and has been referred to many times already. May I just refer or remind the Tribunal of one sentence

H0017-0081

or two. The document comes into existence on the 24th of August 1938, at the time when the Czech drama--the Czechoslovakia drama--was unfolding, and it was uncertain at that time whether there would be war with the Western Powers. It is Top Secret, addressed to the General Staff of the 5th Section of the German Air Force. The Subject: Extended Case Green - Estimate of the Situation. Probably the more correct word would be "Appreciation of the Situation with Special Consideration of the Enemy." Apparently some staff officer had been asked to prepare this appreciation. In view of the fact that it has been read before, I think I need only read the last paragraph, which is paragraph No. H, and it comes at the bottom of page 6, the last page but one of the document. Now H:

"Requests to Armed Forces Supreme Command, Army and Navy." This, you see, was appreciation addressed by an Air Force staff officer. So these are requests to the Army and Navy. And then, if one turns over the page, No. 4:

"Belgium and the Netherlands would, in German hands, represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France. Therefore it is held to be essential to obtain the opinion of the Army as to the conditions under which an occupation of this area could be carried out and how long it would take, and in this case it would be necessary to reassess the commitment against Great Britain."

The point that the prosecution desires to make on that document is that it is apparently assumed by the staff officer who prepared this, and assumed quite rightly that the leaders of the German nation, the high command, would not pay the smallest attention to the fact that Germany had given her word not to invade Holland or Belgium. They are recommending it as a militarily advantageous thing to do,

H0017-0082

strong in the knowledge that, if the commanders and the Fuehrer agree with that view, treaties are to be completely ignored. Such, I repeat, was the honor of the German Government and of its leaders.

Now, in March of 1939, as has been proved, the remainder of Czechoslovakia was peacefully annexed, and then there came the time for further guarantees in the next document, the assurances, TC 35 and 39, which were given to Belgium and the Netherlands on the 28th of April 1939.

H0017-0083

Those have been read by my learned friend, Mr. Elwyn Jones. They bear number GB 78. I need not read them again.

There is also a guarantee to Luxembourg, which is on the next page, TC 42A. That was given in the same speech by Hitler in the Reichstag, and this 42A was where Hitler was dealing with a communication from Mr. Roosevelt who was feeling a little uneasy on the other side of the Atlantic as to Hitler's intentions, and may I, before I read this document, say that I believ the Tribunal will be seeing a film of the delivery by Hitler of this part of this speech, and you will have the privilege of seeing Hitler in one of his jocular moods because this was greeted and was delivered in a jocular vein, and you will see in the film that the defendant Goering, who sits above Hitler in the Reichstag, appreciates very much the joke, the joke being this: That it is an absurd suggestion to make that Germany could possibly go to war with any of its neighbors, and that was the point of the joke that everybody appears to have appreciated very much.

Now, if I may read this document:

"Finally Mr. Roosevelt demands the readiness to give him an assurance that the German fighting forces will not attack the territory or possessions of the following independent nations, and above all, that they will not march into them. And he goes on to name the following as the countries in question: Finland, Latvia, Lithuania, Esthonia, Norway, Sweden, Denmark, Holland, Belgium, Great Britain, Ireland, France, Portugal, Spain, Switzerland, Lichtenstein, Luxembourg, Poland, Hungary, Rumania, Yugoslavia, Russia, Bulgaria, Turkey, Iraq, Arabia, Syria, Palestine, Egypt and Iran.

"Answer: I started off by taking the trouble to find out in the case of the countries listed, firstly, whether they feel themselves threatened and secondly and particularly, whether this question Mr. Roosevelt has asked us was put as the result of a demarche by them or at least with their consent.

"The answer was a general negative, which in some cases took the form of a blunt rejection. Actually, this counter-question of mine could not be conveyed to some of the states and nations listed, since they are not at present in possession of their liberty (as for instance Syria), but are

H0017-0084

occupied by the military forces of democratic states, and therefore, deprived of all their rights.

"Thirdly, apart from that, all the states bordering on Germany have received much more binding assurances and, above all, much more binding proposals than Mr. Roosevelt asked of me in his peculiar telegram."

You will see that, although that is sneering at Mr. Roosevelt, it is suggesting in the presence, certainly, of the accused Goering as being quite absurd that Germany should nurture any warlike feeling against its neighbors, but the hollow falsity of that and the preceding guarantee is shown by the next document. May I put this 42A in as GB 101.

The next document, which is Hitler's conference of the 23rd of May, has been referred to many times and is marked USA 27. Therefore, I need only very shortly remind the Tribunal of two passages. First of all, on the first page, it is interesting to see who was present: The Fuehrer; Goering, Admiral Raeder, Brauchitsch, Colonel General Keitel, and various others who are not accused. Colonel Warlimont was there. He, I understand, was Jodl's deputy.

Well, now, the purpose of the conference was an analysis of the situation. Then, may I refer to the third page, down at the bottom. The stencil number is 819:

(Reading)

"What will this struggle be like?"

And then these words:

"The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored."

Then, at the bottom:

"Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightening speed. We must aim at securing a new defence line on Dutch soil up to the Zuider Zee."

There is that decision made: "Declarations of neutrality must be ignored," and there is the Grand Admiral present, and there is the Air Minister and Chief of the German Air Force, and there is General Keitel present. They all appear, and all their subsequent actions show that they acquiesced

H0017-0085

in that -- that to give your word and then break it. That is their code of honor, and you will see that at the end of the meeting, the very last page -- the stencil number is 823 -- Field Marshall Goering asked one or two questions.

There was the decision -- the 23rd of May. Is it overstating the matter to submit that any syllable of guarantee, any assurance given after that, is just purely hypocrisy, is just the action -- apart from the multiplicity of the crimes here -- of the common criminal?

THE PRESIDENT: Mr. Roberts, I think we would like you, so far as possible, to confine yourself to the document.

MR. ROBERTS: Yes, sir. Milord, then we go to the 22nd of August, 798-PS. That has already been put in and is USA 29. Milord, that was Hitler's speech on the 22nd of August. It has been read and re-read. I only, Milords, refer to one passage, and that is at the bottom of the second page:

"Attack from the West from the Maginot Line: I consider this impossible.

"Another possibility is the violation of Dutch, Belgian, and Swiss neutrality. I have no doubts that all these states as well as Scandinavia will defend their neutrality by all available means."

Milords, I desire to emphasize the next sentence:

"England and France will not violate the neutrality of these countries."

H0017-0086

Then I desire to comment. I ask your Lordship to bear that sentence in mind, that correct prophecy, when remembering the excuses given for the subsequent invasion of Belgium and the Netherlands.

Milords, the next documents are TC-36, 40 and 42. Those are three assurances. Number 36 is by the Ambassador of Germany in the Belgium Government.

(Reading)

"In view of the gravity of the international situation, I am expressly instructed by the Head of the German Reich to transmit to Your Majesty the following communication:

"Though the German Government is at present doing everything in its power to arrive at a peaceful solution of the questions at issue between the Reich and Poland, it nevertheless desires to define clearly, here and now, the attitude which it proposes to adopt towards Belgium should a conflict in Europe become inevitable.

"The German Government is firmly determined to abide by the terms of the declaration contained in the German note of October 13, 1937. This provides in effect that Germany will in no circumstances impair the inviolability and integrity of Belgium and will at all times respect Belgium territory. The German Government renews this undertaking; however, in the expectation that the Belgium Government, for its part, will observe an attitude of strict neutrality and that Belgium will tolerate no violations on the part of a third power, but that, on the contary, she will oppose it with all the forces at her disposal. It goes without saying that if the Belgium Government were to adopt a different attitude, the German Government would naturally be compelled to defend its interests in conformity with the new situation thus created."

Milord, may I make one short comment on the last part of that document? I submit it is clear that the decision having been made to violate the neutrality as we know, those last words were put in to afford some excuse in the future.

That document will be GB-102.

H0017-0087

Milord, the next document is a similar document, communicated to Her Majesty the Queen of the Netherlands, on the same day, the 26th August 1939. Subject to the Tribunal's direction, I don't think I need read it. It is a public document in the German document book, and it has exactly the same features.

That will be 103 GB.

Then, Milords, TC 42, the next document is a similar document to Luxembourg. That is dated the 26th August, the same day. I'm not certain; it has two dates. I think the 26th of August in Europe. Milords, that is in the same terms, a complete guarantee with the sting in the tail as in the other two documents. Perhaps I needn't read it.

Milords, as the Tribunal knows, Poland was occupied by means of the lightning victory, and in October German armed forces were free for other tasks. The first step that was taken, so far as the Netherlands and Belgium are concerned, is shown by the next document, which, I think, is in as GB 80, but the true, essential portions refer to Belgium and the Netherlands. It is the next document in your Lordships' bundle,

THE PRESIDENT: TC-32?

MR. ROBERTS: Yes. It begins with TC 32, and then if you go to the next one, TC 37 on the same page - and then TC 41, but 37 and 41 refer to this matter. Now, this is a German assurance on the 6th of October, 1939:

"Belgium.

"Immediately after I had taken over the affairs of the state I tried to create friendly relations with Belgium. I renounced any revision or any desire for revision. The Reich has not made any demands which would in any way be likely to be considered in Belgium as a threat."

Milords, there is a similar assurance to the Netherlands, the next part of the document:

(Reading)

"The new Reich has endeavored to continue the traditional friendship with Holland. It has not taken over any existing differences between the two countries and has not created any new ones."

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I submit it is impossible to overemphasize the importance of those assurances of Germany's good faith.

Milords, the value of that good faith is shown by the next document, which is the very next day, the 7th of October. Those two guarantees were the 6th of October. Now we come to 2329 PS, dated the 7th of October. It is from the Commander in Chief of the Army, Von Brauchitsch, and it is addressed to various Army Group. He said; third paragraph:

"The Dutch Border between Ems and Rhine is to be observed only.

"At the same time, Army Group B has to make all preparations according to special orders, for immediate invasion of Dutch and Belgian territory, if the political situation so demands."

"If the political situation so demands"--the day after the guarantee, and it is quite clear from the next document--I put in the last documents. That is an original typewritten signature of Von Brauchitsch, and it will be GP 105.

Milords, the next document is in two parts. Both are number C 62. The first part is dated 9th of October, two days after the document I have read. Milord, that was all read by the Attorney General in opening. It was read down to the end of paragraph (c). Therefore, I won't read it again. May I remind the Tribunal of just one sentence.

(Reading)

"Preparations should be made for offensive action on the northern flank of the Western Front crossing the area of Luxembourg, Belgium and Holland. This attack must be carried out as soon and as forcefully as possible."

In the next paragraph, may I just read six words:

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"The object of this attack is to acquire as great an area of Holland, Belgium and Northern France as possible."

That document is signed by Hitler himself. It is addressed to the three accused, the Supreme Commander of the Army, Keitel; Navy, Raeder; and Air Minister, Commander in Chief of the Air Force, Goering. That is the distribution.

I'll hold that document and I'll put that other one in with it.

Milord, the next document is the 15th of October 1939. It is from the Supreme Command of the Armed Forces. It is signed by Keitel in what is to some of us his familiar red pencil signature, and it is again addressed to Raeder and Goering and to the General Staff of the Army.

Now, that also has been read by the Attorney General, but may I just remind the Tribunal that at the bottom of the page there is:

"It must be the object of the Army's preparations, therefore, to occupy -- on receipt of a special order -- the territory of Holland, in the first instance as far as the Grebbe-Maas line."

The second paragraph deals with the taking possession of the West Frisian islands.

It is clear, in my submission, beyond discussion that from that moment, the decision to violate the neutrality of these three countries had been made. All that remained was to work out the details, to wait until the weather became favorable, and in the meantime, to give no hint that Germany's word was about to be broken again. Otherwise, these small countries might have had some chance of combining with themselves and their neighbors.

It will be GB 106.

Well, the next document is a Keitel directive. It is Number 440 PS. It is again sent to the Supreme Commander of the Army, Navy and Air Forces, and it gives details of how the attack is to be carried out. I want to read only a very few selected passages.

Paragraph (2) on the first page: "Contrary to previously issued instructions, all action intended against Holland may be carried out without a special order which the general attack will start.

"The attitude of the Dutch armed forces cannot be anticipated ahead of time."

And then may I comment here, will your Lordships note here that this is a German concession:

"Wherever there is no resistance, the entry should carry the character of a peaceful occupation."

Then paragraph (b) of the next paragraph:

"At first the Dutch area, including the West-Frisian islands situated just off the coast, for the present without Texel, is to be occupied up to the Grebbe-Haas line."

The next two paragraphs I needn't read. They deal with action against the Belgians, however, and in paragraph (5):

"The 7th Airborne Division—" They were parachutists — will be committed for the airborne operation only after the possession of bridges across the Albert Canal—" which is in Belgium, as the Court knows— "has been assured."

And then in paragraph (6) (b), Luxembourg is mentioned. It is mentioned in paragraph (5) as well. The signature is "Keitel", but that is typed. It is authenticated by a staff officer.

Then the next document is C No.10 and it is dated the 28 November 1939. That has the signature of Keitel, in his red pencil, and it is addressed to the Army, Navy and Airforce. It deals with the fact that if a quick breakthrough should fail north of Liege, other machinery for carrying out the attack will be used.

Paragraph 2 shows clearly that the Netherlands is to be violated. It speaks of "The occupation of Walcheren Island and thereby Flushing harbour, or of some other southern Dutch island especially valuable for our sea and air warfare," and "b) Taking of one or more Maas crossings between Namur and Dinant..."

My Lord, the documents show that from November until March of

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1940 the High Command and the Fuehrer were waiting for favorable weather before A-Day, as they called it. That was the attack on Luxembourg, Belgium and the Netherlands.

My Lord, the next document C 72, consists of eighteen pages which range in date from 7 November until 9 May 1940. They are certified photostats I put in and they are all signed either by Keitel or by Jodl personally, and I don't think it is necessary for me to read them. The defense, I think, have all had copies of them, but they show that successively A-Day is being postponed for about a week, having regard to the weather reports, and so forth. That will be GB 109.

My Lord, on 10 January 1940, as the Attorney General informed the Tribunal, a German airplane made a forced landing in Belgium. The occupants endeavored to burn the orders of which they were in possession, but they were only partially successful. The next document I offer is TC 58, I think it is called, GB 110. The original is a photostat certified by the Belgian Government who, of course, came into possession of the original.

My Lord, I can summarize it. It consists of orders to the Commander of the Second Army Group, Air Force Group -- Luftflotte -- the Second Air Force Fleet, clearly for offensive action against France, Holland and Belgium. One looks at the bottom of the first page. It deals with the disposition of the Belgian Army. The Belgian Army covers the Liege-Antwerp Line. Then it deals with the disposition of the Dutch Army; and then if you turn over the page, No.3, you see that the German Western Army directs its attack between the North Sea and the Moselle, with the strongest possible air-force support, through the Belgo-Luxembourg region.

My Lord, I think I need read no more. The rest are operational details as to the bombing of the various targets in Belgium and in Holland.

My Lord, as to the ne t document, my learned friend Mr. Elwyn Jones put in Jodl's diary, which is GB 88, and I desire to refer very, very briefly to some extracts which are printed first in Bundle No.4.

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If one looks at the entry for 1 February 1940 and then some lines down --

THE PRESIDENT: 1809 PS?

MR. ROBERTS: Yes.

THE PRESIDENT: We haven't got the GB numbers on the documents.

MR. ROBERTS: I am sorry, My Lord.

If your Lordship will look eight lines down it says: "1700

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hours General Jeschonnek" and then:

"1) Behaviour of parachute units. In front of The Hague they have to be strong enough to break in if necessary by sheer brute force. The 7th Division intends to drop units near the town.

"2) Political mission contrasts to some extent with violent action against the Dutch air force."

My Lord, I think the rest I need not read; it is operational detail.

"2nd February." I refer again to Jodl's entry under "a" as to "landings can be made in the centre of The Hague."

THE PRESIDENT: Which date?

MR. ROBERTS: That was the 2 February, My Lord, the bottom of the same page, under "a". I was endeavouring not to read more than a word or two.

THE PRESIDENT: Quite right.

MR. ROBERTS: If Your Lordship will turn over the page--I omit February 5--you come to "26th February. Fuehrer raises the question whether it is better to undertake the Weser Exercise before or after case 'Yellow.'"

And then on the 3 March, the last sentence:

"Fuehrer decides to carry out Weser Exercise before case 'Yellow', with a few days' interval."

And then, My Lord, there is an entry I desire to call Your Lordship's attention to on May 8, that is, two days before the invasion, the top of the page:

"Alarming news from Holland, cancelling of furloughs, evacuations, road-blocks, other mobilization measures; according to reports of the intelligence service the British have asked for permission to march in, but the Dutch have refused."

My Lord, may I make two short comments on that? The first is that the Germans are rather objecting because the Dutch are actually making some preparation to resist their endeavor. "Alarming news"

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they say. The second point is that Jodl is there recording that the Dutch armies, according to their intelligence reports, are still adhering properly to their neutrality. But I need not read any more diary extracts.

My Lord, that is the story except for the documents which were presented to Holland and to Belgium and to Luxemburg after the invasion was a fait accompli, because, as history now knows, at 4:30 a.m. on the 10 May these three small countries were violently invaded with all the fury of modern warfare. No warning was given by Germany and no complaint was made by Germany of any breaches of any neutrality before this action was taken.

THE PRESIDENT: Perhaps this will be a convenient place to break off until two o'clock.

MR. ROBERTS: Yes, My Lord.

(Whereupon at 1245 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours.)